



Town of Arlington Board of Selectmen

Meeting Agenda

April 11, 2016

7:15 PM

Selectmen's Chambers, 2nd Floor, Town Hall

1. Organizational Meeting for the Purpose of Electing a Chairman and a Vice Chairman
Marie A. Krepelka, Board Administrator
2. Thank You to Diamond and Platinum Sponsors of Patriots' Day Parade
Patriots' Day Parade Committee

FOR APPROVAL

3. Discuss and Adopt: Complete Streets Policy
Michael Rademacher, Director, Department of Public Works
Laura Wiener, Assistant Director, Planning and Community Development
Scott Smith, Transportation Advisory Committee

CONSENT AGENDA

4. Minutes of Meetings: March 7, 2016
5. Request: Permit for Memorial Day Parade, Monday, May 30, 2016
Jeffrey A. Chunglo, Director of Veterans' Services
6. Vote: Special Municipal Employee/Arlington Recreation Department
Joe Connelly, Director of Recreation
7. Request: Farmers' Market Winery Application-Sale of Wine
Coastal Vineyards, David W. Neilson
61 Pardon Hill Road, South Dartmouth, MA, 02748
8. Request: Annual Hardy School PTO Walkathon, Friday, April 29, 2:30 p.m. - 4:00 p.m.
Eva Bitteker, Hardy School PTO
9. Request: One Day Beer & Wine License, 5/7/16, @ Whittemore Robbins House for a private party
Artie Aaron
10. Appointments of New Election Workers: (1) Patricia Baillieul, 15 Murray Street, U, Pct. 12; (2) Priscilla Boisvert, 4 Winslow Street, U, Pct. 11; (3) Thomas Fitzgerald, 67 Stowecroft Road, U, Pct. 21; (4) Elaine Forrest, 54 Medford Street, D, Pct. 7; (5) Adrian Landry, 34 Hamilton Road, D, Pct. 2; (6) Doris Noviello, 4 Winslow Street, D, Pct. 10; (7) Jillian Patti, 30 Tower Road, U, Pct. 17; (8) Kathleen Roche, 121 Newland Road, U, Pct. 21; (9) Donna Shaw, 273 Cambridge Street, U, Pct. 14; (10) Louise Thompson, 8 Summer Street, D, Pct. 14; (11) Colleen Trembly,

LICENSES & PERMITS

11. Renewals For Approval: Cafe Outside Seating Permit
Common Ground, 319 Broadway
Ristorante Olivio, 201 Massachusetts Avenue
The Madrona Tree, 315 Broadway

TRAFFIC RULES & ORDERS / OTHER BUSINESS

12. Request: Handicap Parking Sign @ 9-11 Oxford Street
John A. Caruso
13. For Approval: A-Town Jazz Festival Banners
Dan Fox
14. For Approval: Sidewalk Sale to Benefit 'Earth Citizen Organization' @ Body n Brain Yoga, 325 Broadway, April 16, 10:00 a.m. - 4:00 p.m.
Mary Jo Sargent, Body n Brain Yoga
15. Sign Request, Ravine Street
Rebecca and Doug Perlo, 40 Irving Street
16. For Review and Endorsement: Revised Community Benefit Agreement for RMD
Douglas W. Heim, Town Counsel
17. Presentation: CPA Funds Draft Recommendations
Clarissa Rowe, Chair CPA Committee
18. Discussion: Future BoS Meetings
19. Rehearing of Warrant Article 22: Bylaw Amendment/Tree Preservation Bylaw
Mary Ellen Aronow, Co-Chair, and Susan Stamps, Arlington Tree Committee
20. Selectmen Report: Comments and Support Material
 - a) Warrant Article 28 Vote/Authorizing Community Choice Aggregation
 - b) Warrant Article 35: Appropriation/ Town Budgets

WARRANT ARTICLE HEARINGS

Articles for Review:

Article 29: Removal of Easement Restriction (tabled from 3.7.16 meeting)
Article 32: Endorsement of CDBG Application
Article 33: Revolving Funds (tabled from 3.21.16 meeting)
Article 58: Resolution/Community Preservation Plan
STM Article 6: Minuteman Regional Vocational Technical School: Bond Authorization for Minuteman School Construction

FINAL VOTES & COMMENTS

Articles for Review:

Article 21: Bylaw Amendment/Arlington Commission on Arts and Culture Membership
Article 23: Bylaw Amendment/Electronic Distribution of Notices and Materials
Article 24: Bylaw Amendment/Camping on Public Property
Article 30: Transfer of Town Property/1 Gilboa Road
Article 59: Resolution/Handicap Parking Spaces

CORRESPONDENCE RECEIVED

Letter to Mr. John Belskis re: 1 Gilboa Road Article 97 Status
Douglas W. Heim, Town Counsel
Tobacco Compliance Check Violations
James Feeney, Health Compliance Officer

NEW BUSINESS

EXECUTIVE SESSION

Next Scheduled Meeting of BoS April 25, 2016.



Town of Arlington, Massachusetts

Organizational Meeting for the Purpose of Electing a Chairman and a Vice Chairman

Summary:

Marie A. Krepelka, Board Administrator



Town of Arlington, Massachusetts

Thank You to Diamond and Platinum Sponsors of Patriots' Day Parade

Summary:

Patriots' Day Parade Committee

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Patriots_DayPoster.pdf	Patriots' Day Parade Poster



Patriots' Day Parade

SUNDAY

APRIL 17, 2016

Schedule of Events

8:45 AM Arlington Boys & Girls
Club Fun Run

Visit www.abgclub.org for
more information

12:00 PM Battle Reenactment
Jason Russell House

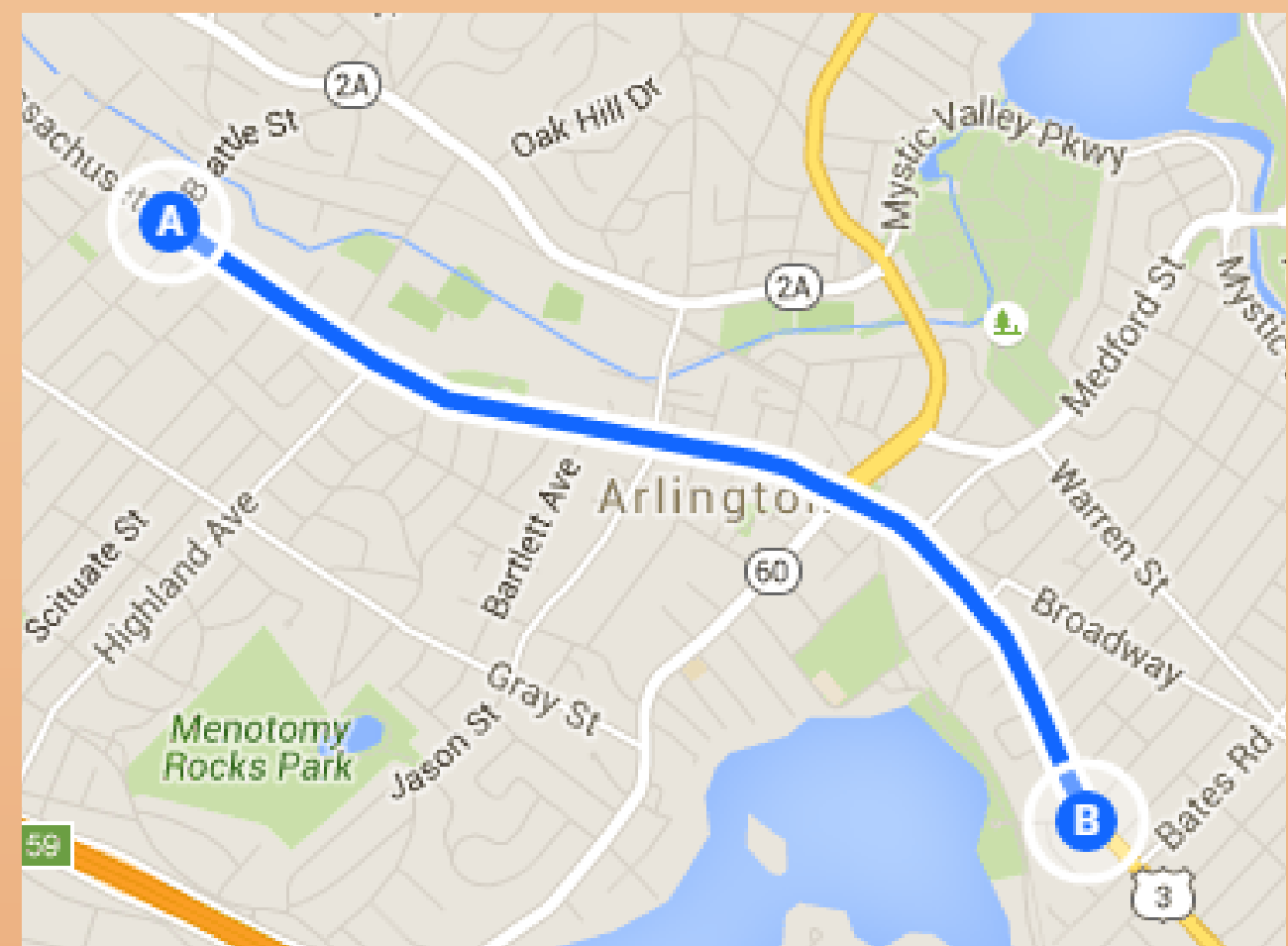
2:00 PM Arlington Patriots'
Day Parade

In Memoriam

Kenny Simmons
Grand Marshal

Ofc. Michael Hogan
Honorary Grand Marshal

Start: Brattle Square
Brattle St & Mass Ave



End: East Arlington
Linwood St & Mass Ave

   **#ArlPats2016**

Thank you to our 2016 Parade Sponsors:

DIAMOND LEVEL



PLATINUM LEVEL



GOLD LEVEL



In Loving Memory of
Joan Caterino

Knights of Columbus

SILVER LEVEL

American Legion Post 39
Black Diamond Landscaping
Cambridge Savings Bank
Dan Dunn
JVT Realty
Keefe Funeral Homes
Michael Fitzpatrick, D.M.D.
Rogers Funeral Home
Watertown Savings Bank



Town of Arlington, Massachusetts

Discuss and Adopt: Complete Streets Policy

Summary:

Michael Rademacher, Director, Department of Public Works

Laura Wiener, Assistant Director, Planning and Community Development

Scott Smith, Transportation Advisory Committee

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Complete_Streets_for_4.11_mtg.doc	Memo to Board
▣ Reference Material	Complete__Streets__Policy_to_BoS_.pdf	Complete Streets Proposed Policy and Guidelines



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

MEMORANDUM

To: Board of Selectmen
Adam Chapdelaine, Town Manager
From: Laura Wiener, Assistant Director of Planning
Date: April 4, 2016
RE: Complete Street policy

The State recently created a Complete Streets Program, to encourage communities to adapt their streets to better accommodate pedestrians, bike riders, and transit users of all ages and abilities. The current thinking in transportation planning is that the way to reduce congestion is not to build more roads, but to encourage people to drive less, by making it safer and more convenient to walk, ride a bike and take transit. This is also called “Healthy Transportation”, because it includes exercise, social interaction, and reduces pollution.

The State program provides financial support to communities that adopt a Complete Streets policy and implement it in future street design. This year, the State will provide grants of up to \$400,000 for construction of a complete street, to communities that have been certified by MassDOT. In order to become certified, the Town must adopt a Complete Street policy that meets the state criteria, and then adopt a prioritization plan for implementation.

Attached you will find a Complete Streets policy for your review, comment, and ultimate adoption. It was developed by a Working Group of the Transportation Advisory Committee (TAC), and endorsed by the full TAC board. DPW Director Mike Rademacher also participated in the Working Group. The Town also included “Adoption of a Complete Streets Policy” as a Best Practice in its Community Compact application. This will help us in getting certified by MassDOT.

I will be at your meeting on April 4, along with Mike Rademacher (DPW Director) and Scott Smith (TAC Working Group Chair), to answer any questions you may have.



Town of Arlington

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3090

Arlington Complete Streets Policy and Guidelines

Purpose and Goals

The purpose of this policy is to improve the quality of life in Arlington by:

- Promoting a sustainable, cohesive, connected transportation network
- Improving access and safety for pedestrians, bicyclists, motorists, transit riders, and freight carriers.
- Facilitating better pedestrian, bicycle and transit travel for users of all ages and abilities throughout the Town.
- Improving overall safety and ADA/AAB accessibility for users of all modes of transportation.
- Developing and supporting a transportation system that accommodates active transportation modes that promote public health.
- Promoting economic development by encouraging accessible, safe and compact business districts

Applicability:

- Complete Streets elements shall be incorporated into all roadway, bridge and development projects, including new construction, reconstruction, and municipal road repair or expansion wherever possible and where road widths allow. Roads designated as Arterials and Collectors¹ shall receive priority for Complete Streets treatment.
- Safe access for all modes shall be maintained during construction and maintenance activities, including temporary traffic controls and snow removal, to the fullest extent possible.
- The network of streets, sidewalks and bike lanes shall be connected in a cohesive way, and coordinated with streets in abutting communities.
- Complete Streets principles shall be applied to new streets constructed on private property as part of private development projects, through the permitting and review process. Such streets shall be interconnected with the Town's street network in a way that furthers the purposes of this policy. The Arlington Redevelopment Board

¹ "Arterials" and "Collectors" are designated by MassDOT. A map showing Road Functional Classification is attached to this policy.

(ARB), acting as the Town's Planning Board, shall adopt these or similar guidelines to apply to projects under its jurisdiction.

Design Guidelines

This Complete Streets policy complies with the following guidelines:

- The Town of Arlington "Context Sensitive Bike Facility Design Guide Matrix", adopted by Selectmen, December, 2014
- Massachusetts Department of Transportation Project Design and Development Guidebook
- The latest edition of American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highway and Streets
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices
- 2012 MBTA Bus Stop Design Guide (draft), PROWAG).
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations

The Town will follow guidelines to provide appropriate accommodation for all users within the constraints of the project. Design solutions shall reflect the unique context and character of surrounding built and natural environments in Arlington. At a minimum, the following shall be considered:

1. Pedestrian accommodation shall be fully considered in the design of intersections including crossings and pedestrian curb cut ramp locations, minimizing curb radii at corners, pedestrian capacity, and traffic control. All new and reconstructed sidewalks will be accessible to and usable by persons with disabilities in accordance with Americans with Disabilities Act and the Massachusetts Architectural Access Board.
2. On roads that are on the Town of Arlington Bike Facility Network Map² dedicated bicycle facilities including conventional and physically separated bike lanes or cycle tracks must be fully considered in the design of streets and intersections wherever possible.
3. Where motorized and non-motorized users cannot be separated, traffic calming shall be considered.

Implementation

- The Director of Public Works ("The Director") shall be the primary administrator of this policy. The Director shall work in concert with the Town Manager, the Town Engineer, Police Traffic Division, Transportation Advisory Committee, and Bicycle Advisory Committee. This policy shall be the policy of the Board of Selectmen, the Traffic Authority for the Town of Arlington.
- The Director shall maintain an inventory of the existence and condition of pedestrian, bicycle, and transit facility infrastructure, and will use it to prioritize projects to

² Massachusetts Avenue, Lowell Street, Park Avenue, Park Avenue Extension, Summer Street, Mill Street, Mystic Street, Mystic Valley Parkway, Chestnut Street, Medford Street, Pleasant Street, Warren Street, Broadway, River Street, Bates Road, Lake Street.

eliminate gaps in the sidewalk, bikeway, and transit network and increase safety for pedestrians, bicyclists, and transit riders.

- Prioritization and project funding criteria shall favor all modes equally.
- Efforts shall be made to educate the public and Town employees about Complete Streets principles.

Jurisdiction

- Any project receiving funding from state, federal or private entities is expected to follow a Complete Streets approach.
- Any project that works in conjunction with other state, local or private agencies or entities is expected to follow a Complete Streets approach.
- Exceptions may apply, as outlined in the following section.

Exceptions

Under certain circumstances it may not be possible or appropriate to provide a Complete Street. Such circumstances might include:

- A roadway or facility intended exclusively for motor vehicles, such as State Route 2, or one that is meant to exclude motor vehicles, such as the Minuteman Bikeway.
- An existing right-of-way with insufficient width for separate bicycle or pedestrian accommodation, or where topography prevents bicycle accommodation. In the case of insufficient width, alternatives shall be considered, in keeping with the “Context Sensitive Bike Facility Design Guide Matrix”, adopted by the Board of Selectmen in December, 2014.
- A circumstance where cost or impacts of accommodation are excessively disproportionate to the need or probable future use.
- Lightly travelled Local Streets³

Performance Measures

The Town shall develop performance measures to periodically assess the rate, success and effectiveness of its Complete Streets Policy. A Working Group made up of representatives of the Police Department and the Transportation Advisory Committee (TAC) as designated by the Town Manager will determine frequency of assessment and appropriate metrics for analyzing the success of this policy. These metrics may include:

- Total number of new bicycle lanes
- Linear feet of new or improved pedestrian accommodations
- Number of intersection improvements made to improve mobility and safety for vehicles, pedestrians, and bicycles
- Decreased rate of crashes by mode
- Increased rate of children walking or bicycling to school
- Changes to the number of trips by mode.

³ “Local Streets” is a functional classification made by MassDOT. A map showing Road Functional Classification is attached to this policy.

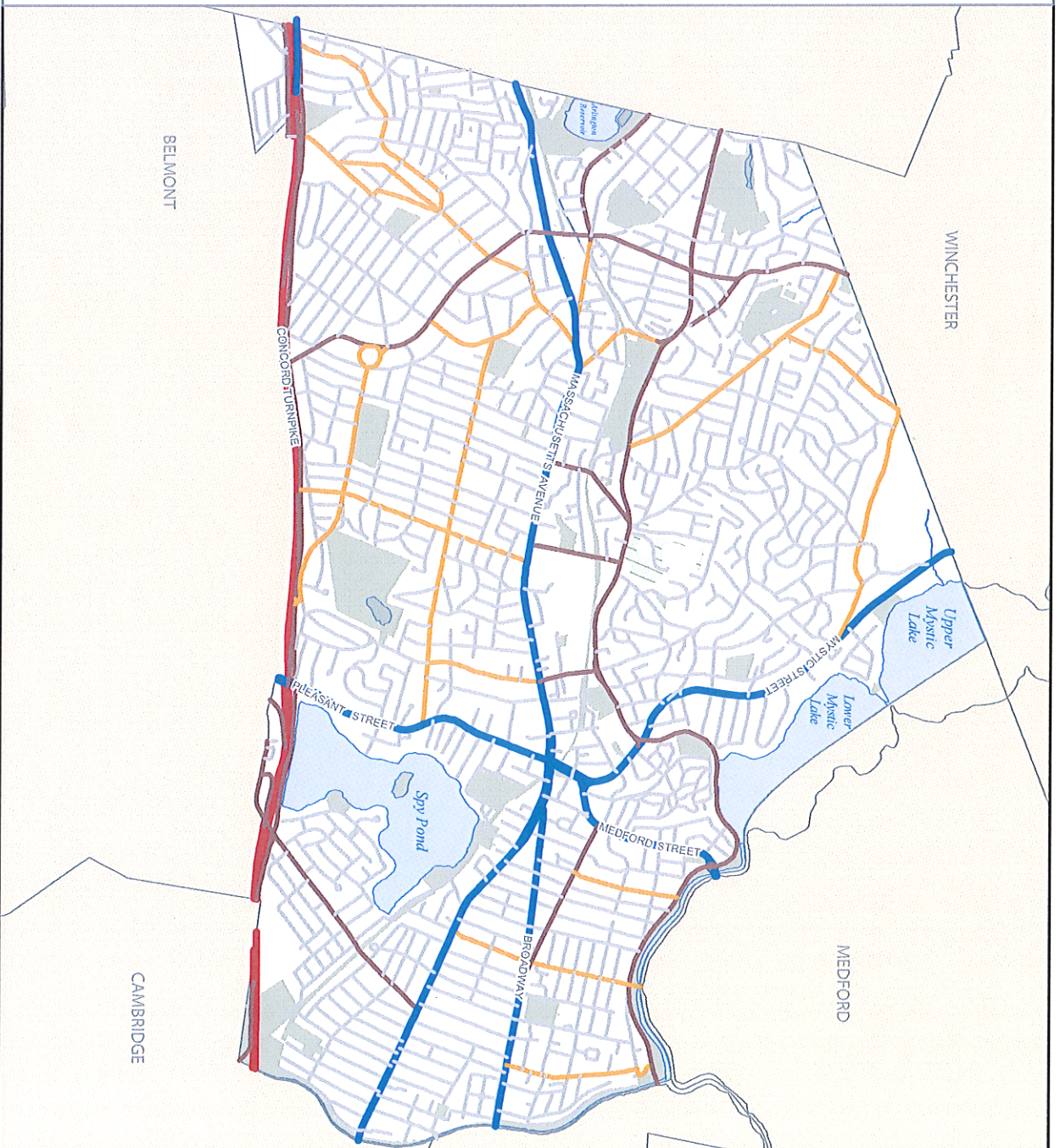
Road Functional Classification

Town of Arlington, MA

Map for planning purposes only, created
by the
Arlington GIS Office
Last update 12/16/2015.

- Principal Arterial – Freeways
- Principal Arterial – Other
- Major Collector
- Minor Collector
- Local
- Permanent Protection
- Conservation Restriction
- Water Body
- Municipality

0 0.25 0.5
Miles





Town of Arlington, Massachusetts

Minutes of Meetings: March 7, 2016

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	3.7.16_draft_minutes.docx	Draft Minutes 3.7.16

TOWN OF ARLINGTON
BOARD OF SELECTMEN

Meeting Minutes
Monday, March 7, 2016
7:15 PM

Present: Mr. Greeley, Chair, Mrs. Mahon, Vice Chair, Mr. Dunn, Mr. Byrne and Mr. Curro, Jr.
Also Present: Mr. Chapdelaine, Mr. Heim and Mrs. Krepelka

1. Friends of Arlington Council on Aging
Ken Greenly, President, Friends of Arlington Council on Aging, Inc.
a) Accomplishments for 2015

Mr. Greeley stated that their Annual 5K race has become a fun and very popular fundraising event. Once again, the Friends would like to organize this event to help raise community-wide awareness in support of the programs offered by the Arlington Council on Aging for the benefit of the Town's senior citizens. In the past, we have been very fortunate to have the participation of our local businesses in helping to sponsor our race. It is these businesses whose assistance is so important with both in-kind and direct financial sponsorship, along with their volunteer participation. The race serves as a major community outreach that brings together all ages of Arlington and helps to support senior programs at the Council on Aging. It is truly a community-wide effort. The Board congratulated the Friends of Arlington Council on Aging for all their wonderful contributions to the Town. Also Mr. Byrne and Mr. Chapdelaine have participated in said race before and believe it is a "day of national service". Mr. Curro will also be attending as a "cheerleader".

- b) For Approval: 7th Annual Friends of Arlington Council on Aging 'Running with Friends 5K' Race, Sunday, 9/11/2016

Mrs. Mahon moved approval.

SO VOTED (5-0)

CONSENT AGENDA

2. Minutes of Meetings: February 10, 2016
Mrs. Mahon moved approval.

SO VOTED (5-0)

3. Request: Patriots' Day Committee Events 4/17/16
Event Permits Requested for 4/17/16:
 - a) 52nd Annual Patriots' Day Fun Run at 8:45 a.m. along Mass. Ave.
 - b) Menotomy Reenactment at 12/Noon at the Jason Russell House
 - c) Patriots' Day Parade at 2:00 p.m.
4. Request: One Day All Alcohol License, 3/19/16, Lesley Ellis School Auction for Financial Assistance @ 34 Winter Street
Jeanette Keller, Auxiliary Program Director
5. Request: One Day Beer & Wine License, 3/25/16 @ Robbins Memorial Town Hall Auditorium for a private party - Dhruba Ghimire

6. Request: One Day Beer & Wine License, 4/8/16 @ Robbins Memorial Town Hall Auditorium for Dallin School Spring Auction
Jen Hayes, Dallin School PTO Fundraising Committee
7. Request: One Day All Alcohol License, 5/14/16 @ Fidelity House, 25 Medford Street for Annual Fundraiser
Ed Woods, Executive Director, Fidelity House
Frank Tessitore, President, Friends of Fidelity House
8. Request: Contractor/Drainlayer License
Burgess & Sons, 24 Hollis Road, Lynn, MA
9. Request: Contractor/Drainlayer License
M.T. Mayo Corporation, 27 Bear Hill Road, Stoneham, MA
10. Appointments of New Election Workers: (1) Cheryl Behan, 161 Wachusett Avenue, U, Pct. 19; (2) Frances Cantelli, 67 Stowecroft Road, U, Pct. 19; (3) Elizabeth Crosby, 97 Egerton Road, D, Pct. 4; (4) Rose Eromin, 16 Cheswick Road, R, Pct. 6; (5) Karlyne Hutchings, 108 Melrose Street, U, Pct. 4; (6) Ashley Maher, 64 Maynard Street, D, Pct. 21; (7) Helene Martel, 7 Osborne Road, U, Pct. 4; (8) Jocelyn Moore, 58 Freemont Street, U, Pct. 16; (9) Sara Pinkman, 54 Medford Street, U, Pct. 10; (10) Mary E. Tierney, 4 Winslow Street, U, Pct. 10; (11) Kim Urquhart, 2 Court Street Place, U, Pct. 8; (12) Ann Walter, 10 Beverly Road, U, Pct. 8

Mr. Byrne moved approval.

SO VOTED (5-0)

PUBLIC HEARINGS

11. 7:15 p.m. Blueberry Hill Lane
a) Request: Repair to Private Way
b) Betterment Order
12. 7:15 p.m. Pamela Drive
a) Request: Repair to Private Way
b) Betterment Order

Mr. Byrne moved approval subject to all conditions as set forth.

SO VOTED (5-0))

APPOINTMENTS

13. Open Space Committee
Kelsey Cowen

Mr. Curro moved approval and asked that Ms. Cowen be at the meeting on March 21st to introduce herself to the Board.

SO VOTED (5-0)

Gwendolyn Richter
(terms to expire 6/30/2019)

Mrs. Mahon moved approval.

SO VOTED (5-0)

14. Arlington Cultural Council
Brigitte Buhler-Probst
(term to expire 2/28/2019)

Mrs. Mahon moved approval.

SO VOTED (5-0)

LICENSES & PERMITS

15. Vote: License Cancellations - Common Victualler and Wine & Malt
202 Massachusetts Avenue d/b/a Commella's
Douglas Heim, Town Counsel

Mr. Dunn moved approval subject to all conditions as set forth.

SO VOTED (5-0)

16. Request: Common Victualler License

Capri Pizza, 1323 Massachusetts Avenue, Miltos Athanasopoulos

Mrs. Mahon asked the owner if he intended to be open Saturday and Sunday because it was not filled out on License application. Mr. Athanasopoulos stated he intended to be open on Saturday and Sunday from 10:00 a.m. to 11:00 p.m.

Mrs. Mahon moved approval subject to all conditions as set forth.

SO VOTED (5-0)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

17. Vote: Minuteman Building Project Assessment Task Force
Daniel J. Dunn, Selectman

Mr. Dunn recommended the following members be appointed to the Minuteman Building Project Assessment Task Force:

Proposed Membership:

Selectman Daniel Dunn

Selectman Joseph Curro

Finance Committee Chair Al Tosti

Finance Committee's Minuteman Sub-Committee Member Stephen DeCoursey

Capital Planning Committee Chair Charles Foscett

Minuteman School Committee Susan Sheffler

Minuteman School Building Committee Member Nawwaf Kaba

Arlington Public School Superintendent Kathleen Bodie (or designee)

Minuteman Superintendent Ed Bouquillon (or designee)

Town Manager Adam Chapdelaine

Arlington School Committee Chair Paul Schlichtman

Permanent Town Building Committee member Alan Reedy

The task force will also be advised by Town Counsel Doug Heim and will be disbanded at the conclusion of the regular Town Meeting of 2016.

Mrs. Mahon moved approval.

SO VOTED (5-0)

WARRANT ARTICLE HEARINGS

Articles for Review:

Article 23: Bylaw Amendment/Electronic Distribution of Notices and Materials

In an effort to create a more time and cost efficient process, Town Moderator John Leone asked the Selectmen to support this Article that would provide a method of electronic distribution of the Town Meeting Warrant and materials to Town Meeting members.

Mrs. Mahon moved favorable action.

SO VOTED (5-0)

Article 29: Removal of Easement Restriction

This article proposes removing the easement restriction that exists on the property at the corner of 54 Pleasant View and Spring Street. It passed 2014 Town Meeting article for 55 Venner Road removed similar exterior lines.

Mrs. Mahon asked that Article 29 be tabled in order to give the Legal Dept. and Engineering Dept. more time to identify the extent to which these types of property rights generally encumber residential properties throughout the Town.

SO VOTED (5-0)

Article 60: Resolution/Return of Precinct 17 to Highland Fire Station

Mr. John Leonard, Grove Street, asked the Board to support this Article by returning the polling location for Precinct 17 back to the Highland Fire Station.

Mr. Byrne moved no action.

SO VOTED (5-0)

FINAL VOTES & COMMENTS

Articles for Review:

Article 18: Bylaw Amendment/Expanding Equal Protection

Article 19: Bylaw Amendment/Arlington Human Rights Commission Executive Director

Article 20: Bylaw Amendment/Arlington Human Rights Commission Chairpersons

Article 21: Bylaw Amendment/Arlington Commission on Arts and Culture Membership

Article 24: Bylaw Amendment/Camping on Public Property

Mr. Curro asked that Article 24 be tabled until March 21st.

SO VOTED (5-0)

Article 25: Bylaw/Demolition by Neglect of Historic Buildings

Article 26: Vote/E-Mail Accounts for Members of Public Bodies

Article 27: Vote/Lobbying by Public Officials

Article 28: Vote/Authorizing Community Choice Aggregation

Mrs. Mahon moved approval,

SO VOTED (5-0)

CORRESPONDENCE RECEIVED

Heavy Commercial Vehicle Exclusion Not Warranted

Paul Stedman, District Highway Director, MassDOT

Mrs. Mahon moved receipt of Correspondence Received.

SO VOTED (5-0)

NEW BUSINESS

Mr. Chapdelaine stated that he attended last week the Arlington Police Department Annual Award Ceremony and it was an exceptional ceremony.

Mr. Chapdelaine announced that construction will begin April 1st regarding the Arlington Center Safe Travel Project and a public meeting will be held March 23rd, at the Town Hall Auditorium, at 7:00 p.m.

Mr. Chapdelaine stated he will be attending tomorrow night a meeting on the School Enrollment Task Force to discuss the Middle School, Thompson School, Gibbs School, addition to the Ottoson Middle School and also a Debt Exclusion.

Mr. Byrne thanked the Selectmen's Staff for all the work done in making sure the Presidential Primary on March 1st ran smoothly

Mrs. Mahon stated that five members of the Fire Department climbed up the 61 floors of the old John Hancock Tower last Saturday, March 5th, as part of the MS Climb to the Top fundraiser to benefit individuals and families affected by Multiple Sclerosis. The money raised will also go towards research. The Arlington team was racing alongside teams and racers from around the Boston area including teams put together by other fire departments. Full structural firefighting turnout gear includes a helmet, jacket, pants, boots and a Self Contained Breathing Apparatus. The gear can weigh upwards of 50 pounds. The entire team (Arlington) took second place in the firefighter division and Firefighter Richard Gallagher came in first overall with a time of 14 minutes and two seconds.

Arlington firefighters raised over \$2,200 from over 30 different donors as part of their climb and plan on racing to the top of the 72 story One World Trade Center in New York next year.

Mrs. Mahon congratulated the Arlington High School Boys and Girls Basketball Teams for making it to the State Semi-Finals games. Also, the Boys Hockey Team will be playing Wednesday night at the Chelmsford Forum at 7:00 p.m. in the Division 1 North semifinals.

Mr. Curro announced that Mr. Chapdelaine and Mr. Greeley will be joining him for the Trivia Bee on March 20th.

Mr. Dunn announced that the debates, coffees, etc. are in full swing for the Town Elections.

Mr. Greeley asked for a moment of silence in memory of Dr. Marilyn Flaherty, longtime Principal at Peirce School and Arlington Activist.

Mrs. Mahon moved to adjourn at 9:05 p.m..

SO VOTED (5-0)

A true record: Attest

Marie A. Krepelka
Board Administrator

Next Scheduled Meeting of BoS March 21, 2016

3/7/16

Agenda Item	Documents Used
1	Arlington Council on Aging - Accomplishments for 2015 and request for Approval 7th Annual Friends of Arlington Council on Aging "Running with Friends 5K Race Sunday 9/11/2016
2	Minutes of Meetings, February 20, 2016
3	Requests: Patriots' Day Committee Events 4-17-16
4	Request: One Day All Alcohol License, 3/19/16, Lesley Ellis School Auction for Financial Assistance @ 34 Winter Street Jeanette Keller, Auxiliary Program Director
5	Request: One Day Beer & Wine License, 3/25/16 @ Robbins Memorial Town Hall Auditorium for a private party - Dhruva Ghimire
6	Request: One Day All Alcohol License, 5/14/16 @ Fidelity House, 25 Medford Street For Annual Fundraiser
7	Request: One Day Beer & Wine License, 4/8/16 @ Robbins Memorial Town Hall Auditorium for Dallin School Spring Auction Jen Hayes, Dallin School PTO Fundraising Committee
8	Request: Contractor/Drainlayer License, Burgess & Sons, 24 Hollis Road, Lynn, MA
9	Request: Contractor/Drainlayer License, M. T. Mayo Corp. 27 Bear Hill Road, Stoneham, MA
10	Appointments of New Election Workers: (1) Cheryl Behan, 161 Wachusett Avenue, U, Pct. 19; (2) Frances Cantelli, 67 Stowecroft Road, U, Pct. 19; (3) Elizabeth Crosby, 97 Egerton Road, D, Pct. 4; (4) Rose Eromin, 16 Cheswick Road, R, Pct. 6; (5) Karlyne Hutchings, 108 Melrose Street, U, Pct. 4; (6) Ashley Maher, 64 Maynard Street, D, Pct. 21; (7) Helene Martel, 7 Osborne Road, U, Pct. 4; (8) Jocelyn Moore, 58 Freemont Street, U, Pct. 16; (9) Sara Pinkman, 54 Medford Street, U, Pct. 10; (10) Mary E. Tierney, 4 Winslow Street, U, Pct. 10; (11) Kim Urquhart, 2 Court Street Place, U, Pct. 8; (12) Ann Walter, 10 Beverly Road, U, Pct.8
11	Public Hearing: Blueberry Hill Lane a) Request: Repair to Private Way b) Betterment Order
12	Public Hearing: Pamela Drive a) Request: Repair to Private Way b) Betterment Order
13	Open Space Committee Kelsey Cowen
14	Arlington Cultural Council Brigitte Buhler-Probst

	(term to expire 2/28/2019)
15	Vote: License Cancellations - Common Victualler and Wine & Malt 202 Massachusetts Avenue d/b/a Commella's Douglas Heim, Town Counsel
16	Request: Common Victualler License Capri Pizza, 1323 Massachusetts Avenue, Miltos Athanasopoulos
17	Vote: Minuteman Building Project Assessment Task Force Daniel J. Dunn, Selectman
Warrant Article	Warrant Article Hearings - Article 23,29,60
Final Votes & Comments	Articles for Review: Article 18, 19, 20, 21, 24, 25, 26, 27, 28
Corr. Recv'd	Jason Street - Heavy Commercial Vehicle Exclusion Not Warranted Paul Stedman, District Highway Director, MassDOT



Town of Arlington, Massachusetts

Request: Permit for Memorial Day Parade, Monday, May 30, 2016

Summary:

Jeffrey A. Chunglo, Director of Veterans' Services

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Memorial_Day_Parade.pdf	Request from J. Chunglo



Town of Arlington
Department of Health and Human Services
Department of Veterans' Services
730 Massachusetts Avenue
Arlington, MA 02476

Jeffrey A. Chunglo
Director of Veterans Services

Tel: 781 316-3166
Fax: 781 316-3129

29 MAR 2016

Board of Selectmen
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

Re: Permit for May 30, 2016

Dear Board Members,

On behalf of the Department of Veterans' Service for the Town of Arlington, I am requesting a permit to allow residents to participate in the annual Memorial Day ceremony and parade. This year, the ceremony will be conducted in the auditorium of the town hall. The ceremony will begin at 09:30.

Following the ceremony, we will march to Mt. Pleasant Cemetery for wreath laying ceremonies at our veteran lots, to include the unveiling of the new Global War on Terrorism memorial.

A police escort will be needed along Massachusetts Avenue and Medford Street as we proceed to Mt. Pleasant Cemetery.

Very respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey A. Chunglo".

Jeffrey A. Chunglo



Town of Arlington, Massachusetts

Vote: Special Municipal Employee/Arlington Recreation Department

Summary:

Joe Connelly, Director of Recreation

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Arlington_Recreation.pdf	Request from Joe Connelly; Letter of Interest from Ms. Stacchi

TOWN OF ARLINGTON

Director of Recreation
Joseph J. Connelly



RECREATION DEPARTMENT

03/07/2016

Town Clerk
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

Re: Chapter 268A, Section 20(b)(3) Certification

To Whom it May Concern:

On behalf of the Recreation Department, I have offered part-time work to take the monthly minutes for the Park and Recreation Commission to Deane Stacchi, who is currently employed as the Assistant Kid Care Director with the Town of Arlington Recreation Department. The duties of taking the minutes for the Park Commission are outside Mrs. Stacchi's regular duties with the Arlington Recreation Department and will be done outside of his regular working hours. She will be compensated by the Recreation Department for not more than 500 hours per year. I hereby certify that the Recreation Department does not have staff available to perform the duties of taking the minutes for the Park Commission.

By their signatures below, members of the Board of Selectmen approve the exemption of Mr. from G.L. c. 268A, § 20(a), for the purposes of the part-time work described herein.

Signed,

Joe Connelly
Director of Recreation

Approved,
Arlington Board of Selectmen:

03/07/2016

Town Clerk
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

Re: Chapter 268A, Section 20(b), Disclosure

To Whom it May Concern:

I am employed as the Assistant Director of Kid Care with the Town of Arlington Recreation Department. In accordance with G.L. c. 268A, § 20(b), I am writing to disclose my financial interest in a personal-services contract with the Town of Arlington Recreation Department. Specifically, I have been offered and accepted part-time work with the Recreation Department to take the minutes at the Park and Recreation Committee meetings during the year for not more than 8 hours per week. I expect to receive compensation in the amount of \$ 20.00 per hour for this work. The work I will be doing for the Recreation Department is not part of my regular duties as the Assistant Kid Care Director with the Arlington Recreation Department and I will be performing this work outside my normal working hours with the Arlington Recreation Department. I will not be compensated by the Recreation Department for more than 500 hours of additional work per year.

Signed,



Deanna Stacchi

cc: Caryn Malloy, Director of Human Resources
Joe Connelly, Recreation Director



Town of Arlington, Massachusetts

Request: Farmers' Market Winery Application-Sale of Wine

Summary:

Coastal Vineyards, David W. Neilson
61 Pardon Hill Road, South Dartmouth, MA, 02748

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Coastal_Vineyards_Farmers_Mkt._4.16.pdf	Farmers Market application - Coastal Vineyards

FARMER'S MARKET
(CH.138, §15F)

YEAR 2016

CK# 2921 \$50.00

1. Licensee Information:

ABCC License Number:
(If Existing Licensee)

FW - 63

Name of Applicant: David W. Neilson

Mailing Address: 61 Pardon Hill Road

Business Name (d/b/a if different): Coastal Vineyards

Manager of Record: David W. Neilson

City/Town: South Dartmouth State MA Zip 02748

Phone Number of Premises: 774-202-4876

Other Phone: 508-642-3866

Email: info@coastal-vineyards.com

Website: www.Coastal-Vineyards.com

Contact Person concerning this application (attorney if applicable):

Name:

City/Town:

State

Zip

Address:

Email:

Contact Number:

Fax Number:

2. Event Information:

A. Farmer's Market licenses are only permitted at events that the Department of Agriculture has certified as Agricultural Events.

Please attach document from Department of Agricultural Resources certifying that this is an agricultural event.

Date(s) of Event:

June 8 - October 26, 2016 Wednesdays from 2 - 6:30PM

B. Contact person for applicant during event:

Name: David W. Neilson

Phone number of contact: 508-642-3866

C. Description of the premises within the Farmer's Market:

Address of Premises for the Sale of Wine: Arlington Farmers Market, Russell Commons Municipal Parking lot

City/Town: Arlington

State

MA

Zip

02474

Phone Number of Premises:

781-858-8629

Describe Area to be Licensed:

Arlington Farmers Market

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02476
2016 MAR 23 AM 11:02

**FARMER'S MARKET
(CH.138, §15F)**

3. Existing License(s) to Manufacture, Export and Sell at Retail:

List the license(s) you hold which authorize the manufacture, exportation and retail sale of wine to consumers: (Attach a copy of each license)

Name	License Type	License Address
Coastal Vineyards	FW -63	61 Pardon Hill Road, South Dartmouth, MA

4. Are you providing, without charge, samples of wine to prospective customers?

Yes ☒

No ☐

Section 15F specifically requires that "all samples of wine shall be served by an agent, representative or solicitor of the licensee."

A. If yes, please provide names and addresses of all agents, representatives and solicitors:

Name	Address	ABCC License Number
David W. Neilson	61 Pardon Hill Road,	FW - 63

B. Proof of Age for Sale to Consumers:

Please identify all methods by which you will obtain proof of age before providing samples or making any sales of wine to consumers :

MA Drivers License and Military ID

5. Transportation and Delivery:

Please identify in detail all persons or businesses that are licensed under M.G.L. c. 138, §22 that will be making any delivery of wine on your behalf to the Farmer's Market in Massachusetts.

David W. Neilson

**If additional space is needed, please use last page.*

APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A
FARMER'S MARKET
(CH.138, §15F)

6. Safety and Tax Registration:

Has the Farmer's Market registered with the Food and Drug Administration? Yes ☐ No ☒ Registration Date:

7. Disclosure of License Disciplinary Action:

Have any of the your licenses to sell alcoholic beverages ever been suspended, revoked or cancelled?

Yes ☐ No ☒

If yes, list said interest below:

Date	License	Reason why license was Suspended, Revoked or Cancelled

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that, I have filed all state tax returns and paid all state taxes required under law. I further understand that each representation in this application is material to the determination of the application and state under penalty of perjury that all statements and representations therein are true.

Note: The LLA may require additional information.

Signature



Title

Owner

Date

3/14/2016

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

March 10, 2016

Coastal Vineyards
David Neilson
61 Pardon Hill Rd.
South Dartmouth 02748

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Mr. Neilson:

Please be advised that your application for certification of the Arlington Farmers' Market, on Wednesdays from June 8th 2016 to October 26th 2016, from 2:00 pm to 6:30 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux", written over a faint, circular official stamp.

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



Application for Certification of an Agricultural Event for the Sale of Wine

Pursuant to M.G.L. c. 138, Section 15F

*To be completed by the licensed farm-winery and returned to:

By Mail: Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114

By Email: Rebecca.Davidson@State.ma.us with the subject line "Agricultural Event Certification"

(A separate application must be completed for each event)

In order for your application to be considered complete, you must include the following documents. Incomplete applications will not be accepted.

- ☐ Signed and dated application with farm-winery license number
- ☐ List of vendors with brief descriptions of products for current year/season
- ☐ Event operational guidelines or rules for current year/season
- ☐ Resume of event manager or description of experience
- ☐ Plan depicting the premises and specific location where the license will be exercised. See Template 1.
- ☐ Approval letter from event management including the name of the licensed farm-winery and the day(s), month and year of event. See Template 2.

1. Applicant Information

Name of Licensed Farm-Winery	Coastal Vineyards		
Farm-Winery License Number	FW - 63	State of Issue	MA
Contact Person	David Neilson		
Address	61 Pardon Hill Road		
City	South Dartmouth	State	MA Zip 02748
Phone Number	508-642-3866	Email	dneilson@coastal-vineyards.com
Correspondence preference	<input type="checkbox"/> Regular Mail <input checked="" type="checkbox"/> Email		
Note: Approval/denial letters will be sent regular mail.			
Do you intend to sell, sample, or both? Check all that apply.			
<input checked="" type="checkbox"/> Sell <input checked="" type="checkbox"/> Sample			

2. Event Information

Name of Agricultural Event	Arlington Farmers Market		
Type of Event	<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy) <input checked="" type="checkbox"/> Farmers Market (as defined by MDAR policy) <input type="checkbox"/> Other Agricultural Event		
If you selected "Other Agricultural Event", how does this event promote local agriculture?			
Event Address	Russell Commons Municipal Parking Lot at Mystic St / Winslow Street		
City	Arlington	State	MA Zip 02474
Event Phone Number	781-858-8629	Event Website	www.farmersmarketarlington.org

3. Event Description

What are the date(s) and time(s) of the event?

Start date 06 / 8 / 2016 End date 10 / 26 / 2016 Time 2 - 6:30
Month Day Year Month Day Year

If this is a weekly event, on what day of the week does the event occur? Wednesday

If the event is an agricultural fair, does the event include competitive agriculture?

☐ Yes

☐ No

☒ N/A

Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?

☐ Yes

☒ No

If yes, identify:

4. Event Management

Name of Event Manager Patsy Kraemer

Email Address patsylkraemer@comcast.net

Phone Number 781-858-8629

Is this person the on-site manager?

☒ Yes

☐ No

If no, identify on-site manager (include contact information):

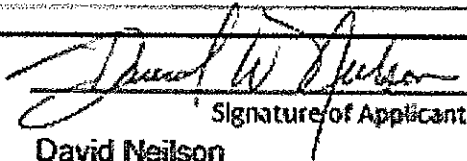
If there are multiple managers, list them and include contact information:

Attach on-site manager(s) resume(s) or list any credentials or training of the on-site manager(s):

Relevant credentials include, but are not limited to, experience as a market manager, attendance at any market manager workshops, and experience with other agricultural events.
see attached

5. General

Attach or provide in the space below a plan depicting the premises and the specific location where the license will be exercised. See template for necessary elements to include.
see attached


Signature of Applicant

David Neilson

Name (please print)

FW - 63

Farm-Winery License Number

3/2/2016
Date

Owner

Title (please print)

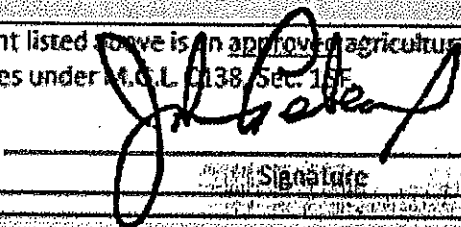
MA

State

FOR DEPARTMENT USE ONLY

APPROVAL

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. Ch. 138, Sec. 1B.


Signature

3/10/2016

Date

DENIAL

The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s):

Signature

Date



Town of Arlington, Massachusetts

Request: Annual Hardy School PTO Walkathon, Friday, April 29, 2:30 p.m. - 4:00 p.m.

Summary:

Eva Bitteker, Hardy School PTO

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Hardy_School_Walkathon.pdf	Request from Hardy School PTO

From: Eva Bitteker <bergeva@yahoo.com>
To: "mkrepelka@town.arlington.ma.us" <mkrepelka@town.arlington.ma.us>
Cc: Darcy Carr <dfcarr17@gmail.com>
Date: 03/21/2016 06:00 PM
Subject: Permit request for Hardy Walkathon

Mar 21, 2016

Board of Selectmen
Attn Marie Krepelka
Town Hall
730 Mass Ave
Arlington, MA 02474

RE: Hardy School Walkathon

Dear Board of Selectmen,

The Hardy School PTO plans to hold its annual Walkathon on Friday, April 29th, 2016 with a rain date of Friday, May 6, 2016. The event will take place from 2:30-4:00 pm. We would like to request a permit for this event.

As in past years, the children will walk laps around the school to raise funds for the PTO to use for enrichment activities, field trips and other school related activities.

We plan to follow the same route that we've used for the past years. We ask that the Department of Public Works block Chandler Street during the walk except for residents and emergency vehicles. We will create a barrier along the short part of Lake Street where the walkers will be contained on the sidewalk and grass. We will make sure enough adults are stationed along the route to keep the children safe. Abutters will be notified a few nights before the event.

Please let me know if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Eva Bitteker
Hardy School PTO
781-534-4276



Town of Arlington, Massachusetts

Request: One Day Beer & Wine License, 5/7/16, @ Whittemore Robbins House for a private party

Summary:

Artie Aaron

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Whittemore_Robbins_One_Day.pdf	One Day Application

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant: **Artie Aaron**

Address, phone & e-mail contact information: **68 Gray Street Arlington, MA 02476 781-572-2765; artie@aaroneng.com**

Name & address of Organization for which license is sought: **Bar Mitzvah Celebration for Ben Aaron**

Does this Organization hold nonprofit status under the IRS Code? ☐ Yes ☒ No

Name of Responsible Manager of Organization (if different from above):

Address, phone & e-mail contact information: _____

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? ☒ No ☐ Yes If so, please give date(s) of Special Licenses and/or applications and title of event(s). _____

Is this event an annual or regular event? If so, when was the last time this event was held and at what location? **No; One time event**

24-Hour contact number for Responsible Manager on Event date: **Artie Aaron 781-572-2765**

Title of Event: **Aaron Bar Mitzvah**

Date/time of Event: **May 7, 2016/ 4:30pm-10:00pm**

Location of Event: **Whittemore Robbins House**

Location/Event Coordinator: **Victoria Rose**

Method(s) of invitation/publicity for Event: **Invitation in Mail**

Number of people expected to attend: **70**

Expected admission/ticket prices: _____ N/A

Expected prices for food and beverages (alcoholic and non-alcoholic): _____ N/A

Will persons under age 21 be on premises? **Yes 35 – 2-13 year olds.**

If “yes,” please detail plan to prevent access of minors to alcoholic beverages. **Tips Certified
Bartender will monitor the bar and follow the rules of certification.**

Have you consulted with the Department of Police Services about your security plan for the Event?
Yes _____

OFFICE USE ONLY

For Police Chief, Operations Commander, or designee:

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant’s security plan, and any necessary police details have been arranged for the Event.

Off. Corey P. Roteau Date *4/7/16*
Off. Corey P. Roteau
Printed name/title

POLICE COMMENTS:

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.) **Beer and Wine**

What types of food and non-alcoholic beverages do you plan to serve at the Event? **Sparkling water, Soda, Mushroom Caps, Sauteed Chicken, Spinach, Feta and Walnut stuffed Mushroom Caps, Hummous and Olive Stuffed Cucumber Cups, Tenderloin and Cod Roasted Potatoes, Grilled Asparagus and Mix Green Salad; Chicken Fingers and Caesar Salad, Ice Cream Sundae Bar,**

Who will be responsible for serving alcoholic beverages at the Event? **Via Lago Caterer and Bartender Jose H. Aguirre**

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

TiPS Certification

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

Jose H Aguirre DOB 5/6/1980

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: www.mass.gov/abcc) ***Atlas Liquors Inc. 156 Mystic Avenue Medford, MA 02155***

Date of Delivery: ***May 7, 2016***

Alcohol Serving Time (s): ***5:30pm-9:30pm***

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

Opened bottles will be taken by client and Atlas Liquors will pick up unused beverages.

Date of Pick-Up: ***May 9, 2016***

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.) ***Liability form and TiPs Certification attached***

**Please submit this completed form and filing fee to the Board of Selectmen
at least 21 days before your Event. Failure to provide complete
information may delay the processing of your application.**

I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:

Signature: ***Artie Aaron***

Printed name: Artie Aaron

Printed title & Organization name: Bar Mitzvah Celebration for Ben

Email: ***artie@aaroneng.com***

Arthur Aaron
68 Gray Street
Arlington, MA 02476
artie@aaron.eng.com

April 6, 2016

SECURITY PLAN for Bar Mitzvah at the Whittemore Robbins House on May 7, 2016

This event is a Bar Mitzvah.

The event is scheduled for Saturday, May 7, 2016, 4:30 pm to 10:00 pm at the Whittemore Robbins House.

A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 35 adults and 35 children between the ages of 2 years to 13 years to attend. There will be a ceremony followed by appetizers, dinner and an ice cream station for dessert and beverage service for beer, wine, water and soda.

Via Lago Catering will provide the bartending staff. The bartender is T.I.P.S certified. All rules regarding alcohol beverage service will be followed as understood from T.I.P.S Certification training by the bartender. Bar service will begin at 5:30 and end at 9:30pm.

Victoria Rose, Event Coordinator, will be on site to monitor the use of the Whittemore Robbins House. Artie Aaron will be the responsible manager for this event. Via Lago's manager, staff and bartender will handle food and beverage service. All will be responsible for ensuring that the event runs smoothly.

Please advise if there are other items that we need to consider.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/30/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Phone: (978) 263-3500 Fax: (978) 263-1438

ALLANT INSURANCE AGENCY, INC.

39 GREAT ROAD / P O BOX 975

CTON MA 01720

CONTACT NAME: Gallant Insurance Agency, Inc.

PHONE (A/C, No, Ext): (978) 263-3500

FAX (A/C, No): (978) 263-1438

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : Ohio Security Insurance Company

INSURER B :

INSURER C :

INSURER D :

INSURER E :

INSURER F :

SURED

VIA LAGO INC.

C/O ALAN JICK

1845 MASSACHUSETTS AVENUE

LEXINGTON MA 02420-4807

OVERAGES

CERTIFICATE NUMBER: 47090

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EXCLUSIONS MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	ADDITIONAL INSURED	SUBROGATION WAIVED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	<input checked="" type="checkbox"/>		BKS55774970	10/01/15	10/01/16	EACH OCCURRENCE \$ 1,000,000
<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
						MED. EXP (Any one person) \$ 15,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COM/OP AGG \$ 2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:						
<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
OTHER:						
AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (per accident) \$
<input type="checkbox"/> SCHEDULED AUTOS						
<input type="checkbox"/> NON-OWNED AUTOS						
UMBRELLA LIAB						EACH OCCURRENCE \$
EXCESS LIAB						AGGREGATE \$
DED RETENTION \$						
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE OTH-ER
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y/N	N/A				E.L. EACH ACCIDENT \$
						E.L. DISEASE-EA EMPLOYEE \$
						E.L. DISEASE-POLICY LIMIT \$
Liquor Liability			BKS55774970	10/01/15	10/01/16	each occurrence \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Whittemore-Robbins House is an additional insured to the above general liability policy as respects the duties and operations of the insured.

CERTIFICATE HOLDER

CANCELLATION

The Whittemore-Robbins House
670 Rear Massachusetts Ave.
Arlington MA 02475

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Ray Gallant, President

Attention:

ACORD 25 (2014/01)

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HEALTH COMMUNICATIONS INC.

1400 Key Blvd., Suite 700

Arlington, VA 22209

703-524-1200

www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature: 



eTIPS On Premise 2.0 SSN

XXX-XX-XXXX

Issued: 3/26/2014

Expires: 3/26/2017

ID#: 3688066

D.O.B.: XXXX/XXXX

Jose H Aguirre

8 Linden st. #1

Everett, MA 02149

For service visit us online at www.gettips.com

DOB 5-6-1980



Town of Arlington, Massachusetts

Appointments of New Election Workers: (1) Patricia Baillieul, 15 Murray Street, U, Pct. 12; (2) Priscilla Boisvert, 4 Winslow Street, U, Pct. 11; (3) Thomas Fitzgerald, 67 Stowecroft Road, U, Pct. 21; (4) Elaine Forrest, 54 Medford Street, D, Pct. 7; (5) Adrian Landry, 34 Hamilton Road, D, Pct. 2; (6) Doris Noviello, 4 Winslow Street, D, Pct. 10; (7) Jillian Patti, 30 Tower Road, U, Pct. 17; (8) Kathleen Roche, 121 Newland Road, U, Pct. 21; (9) Donna Shaw, 273 Cambridge Street, U, Pct. 14; (10) Louise Thompson, 8 Summer Street, D, Pct. 14; (11) Colleen Trembly, 112B Sunnyside Avenue, U, Pct. 2

ATTACHMENTS:

Type	File Name	Description
Reference Material	Election_Workers_4.11.16_mtg.pdf	Election Worker Master Records

ELECTION WORKER'S MASTER RECORD

Date: 3/23/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Name: PATRICIA BAILLIEU

Address: 15 MURRAY STREET

Zip Code: 02476

Alpha/Last Name: _____

Position INSPECTOR

Democrat ?

Republican _____

Unenrolled ✓

Precinct 12

Phone # 781-444-6029

Position Codes:

- 10 - Warden
- 20 - Deputy Warden
- 30 - Inspector
- 40 - Deputy Inspector
- 50 - Clerk

- 60 - Deputy Clerk
- 70 - Teller
- 80 - Substitute
- 90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/29/14

Check One: ✓ New Employee
 Change to Existing Employee

Vendor # _____

Position INSPECTOR

Name: Priscilla Boisvert

Democrat _____

Address: 4 Winslow St.

Republican _____

Apr. 1303

Unenrolled ✓

Zip Code: 02474

Precinct 11

Alpha/Last Name: _____

Phone # 1781-643-6719

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/28/14

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position WARDEN

Name: Thomas Fitzgerald

Democrat _____

Address: 67 STONECROFT ROAD

Republican _____

Unenrolled ☒

Zip Code: 02474

Precinct 81

Alpha/Last Name: _____

Phone # 781-643-5740

Position Codes:

- 10 - Warden
- 20 - Deputy Warden
- 30 - Inspector
- 40 - Deputy Inspector
- 50 - Clerk

- 60 - Deputy Clerk
- 70 - Teller
- 80 - Substitute
- 90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/29/16

Check One: ✓ New Employee
 Change to Existing Employee

Vendor # _____

Position Inspector

Name: ELAINE FORREST

Democrat ✓ 6

Address: 54 MEDFORD ST.

Republican _____

Apr. 5/11

Unengrolled _____

Zip Code: 02474

Precinct 7

Alpha/Last Name: _____

Phone # 781-643-0257

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/30/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position INSPECTOR

Name: ADRIAN LAUDRY

Democrat ☒

Address: 34 Hamilton Road

Republican _____

301

Unenrolled _____

Zip Code: 02474

Precinct _____

Alpha/Last Name: _____

Phone # 781-648-7719

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/31/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position INSPECTOR

Name: Doris Novello

Democrat ☒

Address: 4 Winslow St.

Republican _____

909

Unenrolled _____

Zip Code: 02474

Precinct 10

Alpha/Last Name: _____

Phone # 781-777-1656

Position Codes:

- 10 - Warden
- 20 - Deputy Warden
- 30 - Inspector
- 40 - Deputy Inspector
- 50 - Clerk

- 60 - Deputy Clerk
- 70 - Teller
- 80 - Substitute
- 90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/31/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Name: Jillian Patti

Address: 30 TOWER ROAD

Zip Code: 02474

Alpha/Last Name: _____

Position INSPECTOR

Democrat _____

Republican _____

Unenrolled ☒

Precinct 17

Phone # 781-648-1704

Position Codes:

- 10 - Warden
- 20 - Deputy Warden
- 30 - Inspector
- 40 - Deputy Inspector
- 50 - Clerk

- 60 - Deputy Clerk
- 70 - Teller
- 80 - Substitute
- 90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/31/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position INSPECTOR

Name: KATHLEEN ROCHE

Democrat ☐

Address: 121 NEWLAND ROAD

Republican ☐

Unenrolled ☒

Zip Code: 02474

Precinct 21

Alpha/Last Name: _____

Phone # 781-641-4350

Position Codes:

- 10 - Warden
- 20 - Deputy Warden
- 30 - Inspector
- 40 - Deputy Inspector
- 50 - Clerk

- 60 - Deputy Clerk
- 70 - Teller
- 80 - Substitute
- 90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/31/14

Check One: New Employee
Change to Existing Employee

Vendor #

Position *WARDEN*

Name: DONNA SHAW

Democrat

Address: 273 Cambridge St.

Republican _____

Apr. 303

Unenrolled ✓

Zip Code: 01801

Precinct _____

Alpha/Last Name: _____

Phone # 978-618-9113

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/29/16

Check One: ☒ New Employee
☐ Change to Existing Employee

Vendor # _____

Position Inspector

Name: Louise Thompson

Democrat ☒ 8

Address: 8 SUMMER STREET

Republican _____

APT. 507

Unenrolled _____

Zip Code: 02474

Precinct 14

Alpha/Last Name: _____

Phone # 781-799-1684

Position Codes: 10 - Warden
20 - Deputy Warden
30 - Inspector
40 - Deputy Inspector
50 - Clerk

60 - Deputy Clerk
70 - Teller
80 - Substitute
90 - Custodian

ELECTION WORKER'S MASTER RECORD

Date: 3/23/16

Check One: ✓ New Employee
 Change to Existing Employee

Vendor # _____

Position Clerk

Name: COLLEEN TREMBLY SHEA

Democrat _____

Address: 112 B SUNNYSIDE AVENUE

Republican _____

Unenrolled ✓

Zip Code: 02474

Precinct 21

Alpha/Last Name: _____

Phone # (781) 856-5165

Position Codes:

10 - Warden

20 - Deputy Warden

30 - Inspector

40 - Deputy Inspector

50 - Clerk

60 - Deputy Clerk

70 - Teller

80 - Substitute

90 - Custodian



Town of Arlington, Massachusetts

Renewals For Approval: Cafe Outside Seating Permit

Summary:

Common Ground, 319 Broadway
Ristorante Olivio, 201 Massachusetts Avenue
The Madrona Tree, 315 Broadway

ATTACHMENTS:

Type	File Name	Description
Reference Material	Ref_Mat_4.4.16_Sidewalk_Cafe_Packet.pdf	Sidewalk Cafe Permit Renewal Packet

**SIDEWALK CAFÉ PERMIT
INSPECTIONS SUMMARY REPORT-2016 ANNUAL RENEWALS**

COMMON GROUND
RISTORANTE OLIVIO
THE MADRONA TREE

The following Departments have **no objections** to the issuance of said license:

- BOH X
- Building X
- Planning X
- ADA Compliance X

The following Departments have **objections** to the issuance of said license:
(see attached comments)

- BOH
- Building
- Planning
- ADA Compliance

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **Thursday, March 31, 2016**
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 319 Broadway
Applicant's Name: Bob O'Guin
D/B/A: Common Ground
Telephone: 781 728-0060
Department: Sent Interoffice Mail & E-mail Original Approval Date : 6/18/15

MEETING DATE: April 4, 2016

Departments:

RE:OUTSIDE FURNITURE PERMIT

Board of Health

Building

Planning

ADA Compliance

Comments by each Division or Department:

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Date: _____



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Natasha Waden, Health Compliance Officer
Date: March 31, 2016
RE: Café Outdoor Seating Permit Renewals

Please accept the following as comments from the Office of the Board of Health regarding Permit Renewals for Café Outdoor Seating at Barismo, Common Ground, Ristorante Olivio, and The Madrona Tree:

- The Establishment must prohibit smoking in the outdoor seating area by conspicuously posting a notice or sign which states "No Smoking" or the by using a sign with the international "No Smoking" symbol in the outdoor area.
- The owner or designated Person in Charge is responsible for maintaining the outdoor seating area Smoke Free.
- Any person in charge of a public place or workplace who fails to comply with the regulations is subject to a fine of two hundred dollars (\$200.00) for each day of the violation.
- The Establishment is responsible for maintaining the outdoor seating in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

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ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 319 Broadway
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Department: Sent Interoffice Mail & E-mail Original Approval Date : 6/18/15

MEETING DATE: April 4, 2016

Departments:

RE:OUTSIDE FURNITURE PERMIT

Board of Health

X Building

Planning

ADA Compliance

Comments by each Division or Department:

Inspectional Services has no objections to this or any other outdoor furniture permit the BoS wishes to grant. The applicant will need to present plans to this department for building code review prior to furniture being approved or placed. At that time, we can over particulars such as aisle width, distance between chairs/tables and how the new occupant load may affect the establishments bathroom requirements, among other possible issues.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Date: _____



TOWN OF ARLINGTON
MASSACHUSETTS 02476
781 - 316 - 3090
DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT

To: Arlington Board of Selectmen, c/o Mary Ann Sullivan
From: Ted Fields, Dept. of Planning & Community Development
Date: March 29th, 2016
Re: Sidewalk Cafe License Renewals, 2016

Per your request on March 25th, 2016 (updated on March 28th), the Planning Department has reviewed annual renewal applications for the following Sidewalk Cafe licenses approved by the Arlington Board of Selectmen in 2015:

Common Ground - 319 Broadway

The existing approved outdoor seating area for this restaurant consists of fourteen (14) tables seating thirty eight (38) diners in a cordoned space separated from the restaurant's facade by an acceptable eight (8) foot pedestrian travel corridor. The outdoor seating area is sufficiently buffered by planters and flexible cordons, as suggested in the sidewalk cafe regulations. The applicant demonstrates acceptable coverage of \$1,000,000 in general liability insurance.

In 2015, two problems were encountered with this outdoor seating area. The original approval granted by the Selectmen in 2015 stipulated that the applicant maintain at least an eight (8) foot buffer between its outdoor seating area and the outdoor seating space of the adjacent Madrona Tree restaurant. The applicant violated this requirement once last year, which it quickly corrected. Additionally, the applicant refused a request from the Selectmen's Office to refrain from using table umbrellas emblazoned with an alcohol-related logo in this outdoor seating area.

This permit should be renewed for 2016 as long: 1) the applicant agrees to maintain at least an eight (8) foot buffer at all times between its outdoor seating area and that of the Madrona Tree and 2) the applicant agrees to use table umbrellas without an alcohol-related logo.

COMMISSION ON DISABILITY, TOWN OF ARLINGTON

20 ACADEMY STREET, SUITE 203, ARLINGTON, MASSACHUSETTS 02476-6436 (781) 316-3431



MEMO TO: Board of Selectmen
Adam Chadelaine, Town Manager

FROM: Jack Jones, Director of Housing & Disability Programs JJ

DATE: March 31, 2016

RE: Outside Furniture Permit

It appears from the attached diagram and a completed survey of the sidewalk in front of **Common Ground, 319 Broadway**, that all conditions pertaining to accessibility of sidewalk dining will be in compliance with federal and state regulations.

In order to be in compliance with regards to sidewalk dining the absolute minimum clear path of travel along the sidewalk must be at least 36" according to the Massachusetts Architectural Access Board and the Americans with Disabilities Act Architectural Guidelines. The Arlington Commission on Disability however requests the consideration of the Board of Selectmen to require a minimum of 48" of clear unobstructed sidewalk between the exterior wall of the restaurant and the nearest obstruction to the path of travel. Possible obstructions that could affect compliance that will need to be watched are tables, chairs, other furniture, trees, trash receptacles, fire hydrants, planters, sandwich boards, etc. In addition a portion (5%), but not less than one, of available seating must be wheelchair accessible, with an accessible route of at least 36" between tables. The Disability Commission strongly recommends to the Board of Selectmen that a compliance monitoring process be developed in addition to employee training for all restaurant employees to ensure that accessibility is maintained after the permitting process.

Sidewalk Café Permit Application - Town of Arlington, MA

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA. 02174
FEB 17 11 59 AM '16

This is an application to the Board of Selectmen of the Town of Arlington Massachusetts, for a permit to place and maintain a Sidewalk Café (an outside seating area for licensed restaurants) on the public right of way in Arlington, Massachusetts described below:

(PLEASE TYPE OR PRINT)

Business Name:	<u>Common Ground</u>	Length of Storefront (ft):	<u>33'</u>
Business Address/Location:	<u>319 Broadway</u>	Width of Sidewalk along Storefront (ft); *1:	<u>54'</u>
Phone Number/Email:	<u>781-728-0060 CommonGroundArlington</u>	Length of Proposed Sidewalk Café (ft):	<u>24'-9"</u>
Business Representative's Name:	<u>@Gmail.com</u>	Width of Proposed Sidewalk Café (ft); *2:	<u>22'-5"</u>
Name & Address of Building Owner:			

*1: Measure from front Building Wall to inside of sidewalk granite curb edge.

*2: Measure from front Building Wall to outside of Sidewalk Café surrounding border fencing/barrier.

Application Submittal Requirements:

- 1.) Fee: An annual permit fee of **\$50.00** payable to the Town of Arlington filed with the Selectmen's Office. The Board may prorate its fee for applicants in their initial term to reflect the number of months the permit sought will be held.
- 2.) Site Plan: Furnish a **Site Plan** (scale diagram) showing the location of tables, chairs, umbrellas, trash receptacles, heaters, barricades, as well as a **picture or photograph of the proposed furniture** in compliance with the following requirements:
 - No person or entity shall cause to be placed within the public ways any furniture without applying for a permit and receiving approval from the Board of Selectmen of the Town. This permit shall be considered separate and distinct from others issued by the Town, including those for common victuallers.
 - Ordinarily, the location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. It shall be sited as close to the building façade as practicable and in no event to exceed twelve (12) feet from the food service door of the establishment.
 - Under limited circumstances, sidewalk café areas may be approved adjacent to a storefront, grouped at a distance from the storefronts, or allowed in both positions if a scaled plan showing dimensions clearly establishes:

50 Check # 1737

- a) The requested location(s) create the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and/or
 - b) the location does not extend substantially beyond the side edges of the business (allowing for up to 10 feet of latitude where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises), and/or
 - c) no more than 256 square feet of the public way would be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36" to the nearest barrier, would not impede circulation, and would not preclude other allowed desirable uses for the public space, and
 - d) in every case, the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.
- Further, Tables, chairs, benches, food equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of three (3) feet and a recommended width of four (4) feet of unobstructed passage for pedestrian traffic.
 - In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, call box, or bus stop.
 - Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.
 - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height.
 - Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
 - Well-designed physical barricades surrounding/framing sidewalk cafés are **strongly encouraged**.

3.) Insurance: The applicant restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage for bodily injury, death, disability, and property damage liability in the following amounts:

- At least \$1,000,000 per occurrence and \$3,000,000 annual aggregate for any restaurant serving alcohol as part of its use of sidewalk café space; or

- **At least \$300,000 per occurrence and \$900,000 annual aggregate for restaurants which are either not licensed to serve alcohol or restaurants which attest that they will not serve alcohol as part of their use of sidewalk café space.**

The Town of Arlington shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately inform the Selectmen's Office if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement. An insurance certificate naming the Town as an additional insured must be provided to the Office of the Board of Selectmen before any Sidewalk Café/Outdoor Seating Area will be issued.

4.) Indemnification and Acknowledgement of Rights: The applicant restaurant-owner shall also furnish a signed agreement to indemnify the Town of Arlington for its use of public property as a sidewalk café/outdoor seating from any and all claims that may be brought against the Town in connection with such use. Such a signed agreement shall also acknowledge the Town's rights with respect to its property and the limitations of the permit (attached hereto).

5.) Compliance Requirements: By signing this application, the Applicant agrees to accept and comply with the following requirements:

- All services provided to sidewalk café customer and customer activity must occur within the designated sidewalk café area.
- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
 - Patrons must wear shoes and shirts at all times.
 - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
 - To the extent applicable, sidewalk cafes must adhere to all regulations pertaining to food and beverage enforced by the Board of Health and Board of Selectmen.
 - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
 - All permit holders shall be required to abide by all federal, state, and local laws.
 - Outdoor alcohol service (and food service when alcohol is served outdoors) shall conclude at or before 10:00 p.m. Sunday through Thursday, and at or before 11:00 p.m. Friday and Saturday.

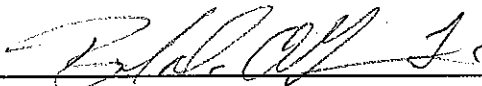
6.) Other Regulations: By receiving a sidewalk café/outdoor seating permit, restaurants are not exempted from other federal, state, and local laws and regulations. Among other regulations, permit holders must comply with local zoning and state building code requirements and Board of Selectmen alcohol service regulations. Applicants are strongly advised to ensure their plans comply with zoning and state building requirements by contacting Inspectional Services.

7.) Revocation: The sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10-days prior to actual revocation and shall specify the area or areas of failure to meet requirements and maintain conditions the Town may have imposed. If, during that period, proof of compliance is made to the satisfaction of designated Town Inspectors by the holder of the permit, the permit shall be continued in force.

- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

8.) Term & Non-Transferability: Each Sidewalk Café Permit is valid for one calendar year from the January 1st through December 31st and is non-transferable.

I have read and fully understand the above rules and regulations applying to the approval of this permit.

Dated 2/17, 2014 By: 
(Signature)

(Print Name & Address) Bob D. O'Hara Jr
319 Broadway
Arlington MA.

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON

SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT & ACKNOWLEDGEMENT

On behalf of the business applying for a Sidewalk Café (Outdoor Seating) license from the Town of Arlington Board of Selectmen, I, as a duly authorized agent of Common Ground, a licensed restaurant operating within the Town of Arlington, acknowledge that I seek permission to use a portion of the public sidewalk in front of (or where permitted, adjacent to) the business premises to operate a sidewalk café/outdoor seating area. I understand that a Sidewalk Café permit does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

Furthermore, I, as a duly authorized agent of Common Ground, agree to hold harmless the Town of Arlington, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that Board of Selectmen and/or any government agency with jurisdiction may revoke my permit to use public sidewalk space at any time for any reason whatsoever. The permit can be revoked for failure to comply with any terms and conditions of the permit or any agreements between my business and the Town of Arlington or for violation of any of the rules and regulations enforced by Board of Selectmen, the Department of Inspectional Services, the Police Department, or the Board of Health. I understand there will be no refund of any fees or compensation paid to the Town of Arlington.

I further agree to promptly remove any property placed on the sidewalk space or reimburse the Town of Arlington for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

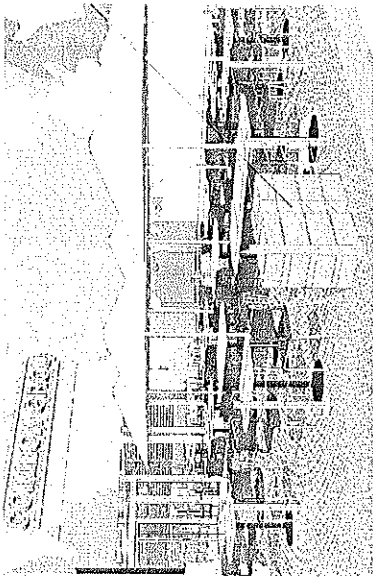
I certify that I have read and agree with the terms and conditions outlined both here and within the Sidewalk Café Permit Application.

Signature

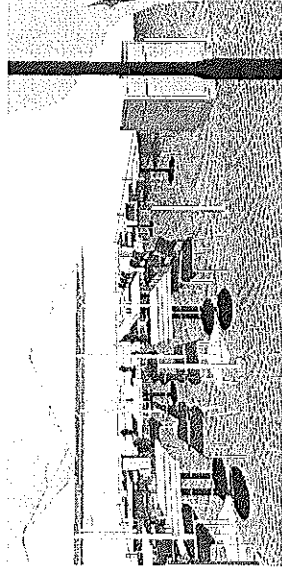
Date

B. J. L. Jr.

2/17/16



2. OUTDOOR SEATING SCHEMATIC VIEW



3. OUTDOOR SEATING SCHEMATIC VIEW

POST & CABLE FENCE

HOSTESS PODIUM

MOVABLE METAL POST BARRICADE FOR DINING AREA

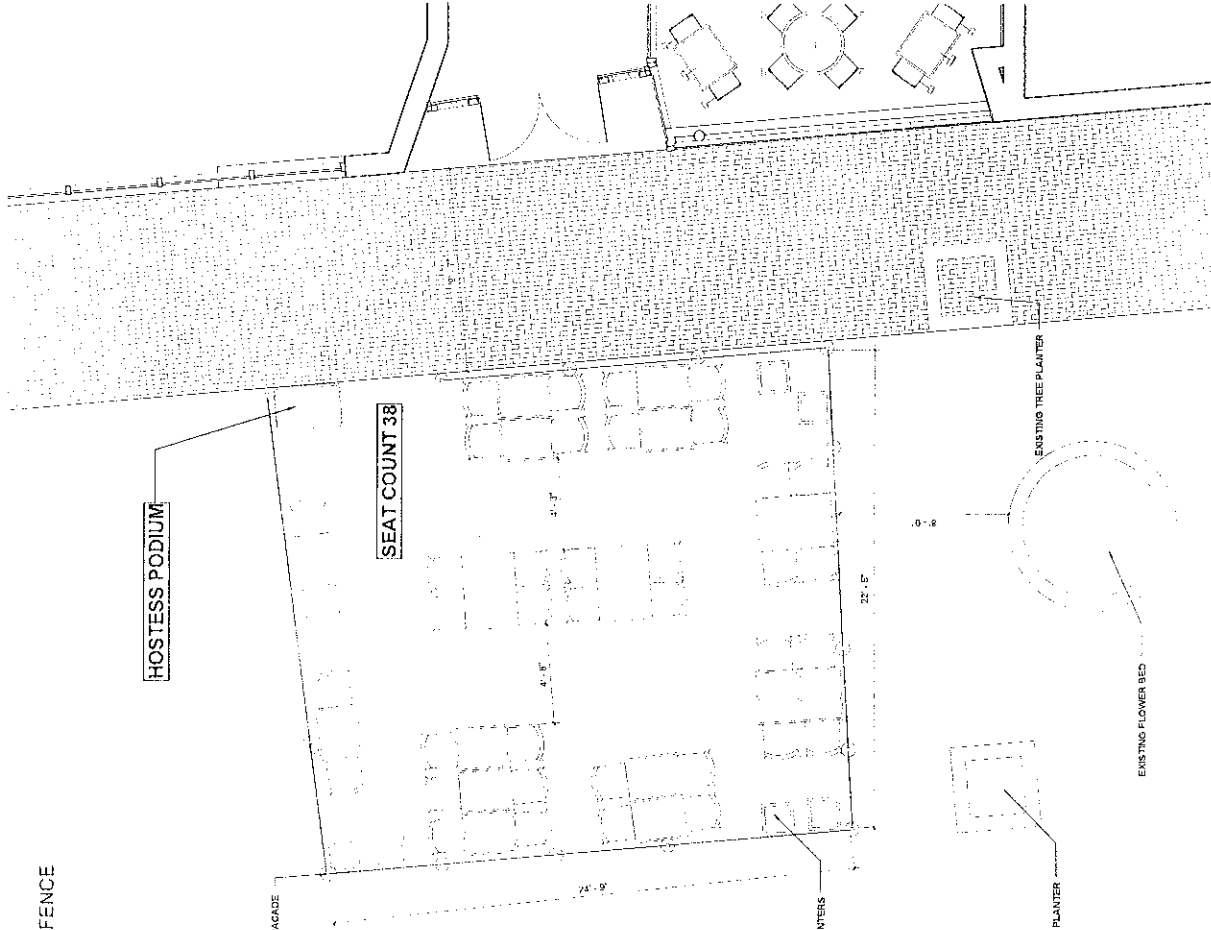
SEAT COUNT 38

MOVABLE PLANTERS

EXISTING TREE PLANTER

EXISTING TREE PLANTER

EXISTING FLOWER BED



1. Outdoor Seating Plan
3/8" = 1'-0"

SK4

DATE: 01/15/16
REVISION: 01/15/16

Common Ground

PROPOSED OUTDOOR SEATING

319 BROADWAY ST.
ARLINGTON, MA 02474

COMMON ARCHITECTURE

SK4

SHEET

PROPOSED OUTDOOR SEATING

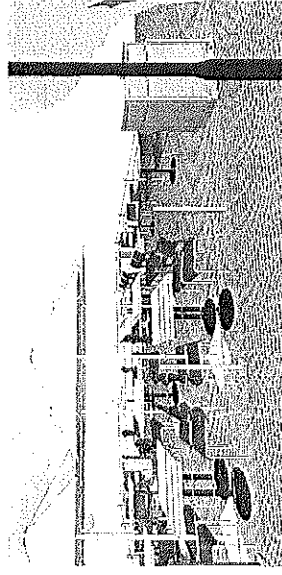
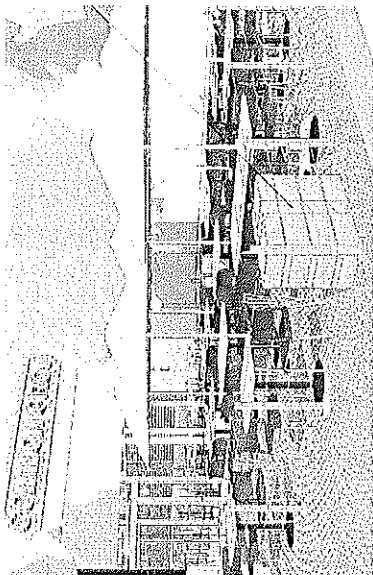
Common Ground
319 BROADWAY ST.
ARLINGTON, MA 02474

CONOR ARCHITECTURE
100 STATE ST. 10TH FLOOR
BOSTON, MA 02109
TEL: 617.452.1111
WWW.CONORARCHITECTURE.COM

DATE: 01.15.2014
DESCRIPTION: 111



1" Outdoor Seating Plan
3/8" = 1'-0"





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/29/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Malcolm & Parsons Insurance Agency 713 Washington Street P.O. Box 527 Stoughton MA 02072	CONTACT NAME: Lynn LeCourt PHONE (A/C, No, Ext): (781) 344-3200 FAX (A/C, No): (781) 344-1425 E-MAIL ADDRESS: llc@malcolmandparsons.com
INSURED Blog Corp, DBA: Common Ground Arlington 319 Broadway Street Arlington MA 02474	INSURER(S) AFFORDING COVERAGE INSURER A Hospitality Mutual Insurance INSURER B NorGUARD INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** Master 11/05/15 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		00081780GL	10/7/2015	10/7/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		00081780EL	10/7/2015	10/7/2016	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	BLWC675413	10/21/2015	10/21/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Liquor Liability		00081782LL	10/7/2015	10/7/2016	Per Occurrence \$1,000,000 Aggregate \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Tavern

CERTIFICATE HOLDER Town of Arlington 730 Massachusetts Avenue Arlington, MA 02476	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Amne Parsons/JAIME <i>Amne Parsons</i>
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1737

BLOG LLC
14 HILLSIDE TER
NEWTON, MA 02465

CAMBRIDGE SAVINGS BANK
63-7112-2113

2/17/2016

PAY TO THE
ORDER OF Town of Arlington

Fifty and 00/100***** \$ **50.00

Town of Arlington

DOLLARS

[Signature]
AUTHORIZED SIGNATURE

MEMO

Security features. Details on back.

⑈001737⑈ ⑆211371120⑆ 1031913E⑈

BLOG LLC

Town of Arlington

1737

2/17/2016

50.00

Cambridge Savings

50.00

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **Thursday, March 31, 2016**
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 201 Mass. Ave.
Applicant's Name: Angelo DiGirolamo
D/B/A: Ristorante Olivio
Telephone: 781 728-0060
Department: Sent Interoffice Mail & E-mail Original Approval Date : 8/17/15

MEETING DATE: April 4, 2016

Departments:

RE: OUTSIDE FURNITURE PERMIT

Board of Health
Building
Planning
ADA Compliance

Comments by each Division or Department:

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Date: _____



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Natasha Waden, Health Compliance Officer
Date: March 31, 2016
RE: Café Outdoor Seating Permit Renewals

Please accept the following as comments from the Office of the Board of Health regarding Permit Renewals for Café Outdoor Seating at Barismo, Common Ground, Ristorante Olivio, and The Madrona Tree:

- The Establishment must prohibit smoking in the outdoor seating area by conspicuously posting a notice or sign which states "No Smoking" or the by using a sign with the international "No Smoking" symbol in the outdoor area.
- The owner or designated Person in Charge is responsible for maintaining the outdoor seating area Smoke Free.
- Any person in charge of a public place or workplace who fails to comply with the regulations is subject to a fine of two hundred dollars (\$200.00) for each day of the violation.
- The Establishment is responsible for maintaining the outdoor seating in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

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RE: OUTSIDE FURNITURE PERMIT

Board of Health

X Building

Planning

ADA Compliance

Comments by each Division or Department:

Inspectional Services has no objections to this or any other outdoor furniture permit the BoS wishes to grant. The applicant will need to present plans to this department for building code review prior to furniture being approved or placed. At that time, we can over particulars such as aisle width, distance between chairs/tables and how the new occupant load may affect the establishments bathroom requirements, among other possible issues.

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Applicant's Signature: _____

Date: _____



TOWN OF ARLINGTON
MASSACHUSETTS 02476
781 - 316 - 3090
DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT

To: Arlington Board of Selectmen, c/o Mary Ann Sullivan
From: Ted Fields, Dept. of Planning & Community
Development Date: March 29th, 2016
Re: Sidewalk Cafe License Renewals, 2016

Per your request on March 25th, 2016 (updated on March 28th), the Planning Department has reviewed annual renewal applications for the following Sidewalk Cafe licenses approved by the Arlington Board of Selectmen in 2015:

Ristorante Olivio - 201 Massachusetts Avenue

The existing approved outdoor seating areas of this restaurant consists of six tables against the Massachusetts Avenue curb line, separated from the main facade by an acceptable four (4) foot pedestrian travel corridor. The curbside area is sufficiently buffered by planters and flexible cordons, as suggested in the sidewalk cafe regulations. The applicant demonstrates acceptable coverage of \$1,000,000 in general liability insurance. This permit should be renewed for 2016.

COMMISSION ON DISABILITY, TOWN OF ARLINGTON

20 ACADEMY STREET, SUITE 203, ARLINGTON, MASSACHUSETTS 02476-6436 (781) 316-3431



MEMO TO: Board of Selectmen
Adam Chadelaine, Town Manager

FROM: Jack Jones, Director of Housing & Disability Programs

jj

DATE: March 31, 2016

RE: Outside Furniture Permit

It appears from the attached diagram and a completed survey of the sidewalk in front of **Ristorante Olivio, 201 Mass. Ave.** that all conditions pertaining to accessibility of sidewalk dining will be in compliance with federal and state regulations.

In order to be in compliance with regards to sidewalk dining the absolute minimum clear path of travel along the sidewalk must be at least 36" according to the Massachusetts Architectural Access Board and the Americans with Disabilities Act Architectural Guidelines. The Arlington Commission on Disability however requests the consideration of the Board of Selectmen to require a minimum of 48" of clear unobstructed sidewalk between the exterior wall of the restaurant and the nearest obstruction to the path of travel. Possible obstructions that could affect compliance that will need to be watched are tables, chairs, other furniture, trees, trash receptacles, fire hydrants, planters, sandwich boards, etc. In addition a portion (5%), but not less than one, of available seating must be wheelchair accessible, with an accessible route of at least 36" between tables. The Disability Commission strongly recommends to the Board of Selectmen that a compliance monitoring process be developed in addition to employee training for all restaurant employees to ensure that accessibility is maintained after the permitting process.

Sidewalk Café Permit Application - Town of Arlington, MA

This is an application to the Board of Selectmen of the Town of Arlington Massachusetts, for a permit to place and maintain a Sidewalk Café (an outside seating area for licensed restaurants) on the public right of way in Arlington, Massachusetts described below:

(PLEASE TYPE OR PRINT)

Business Name:
Ristorante Olivo

Length of Storefront (ft):
60 feet

Business Address/Location:
201 Mass. Ave. Arlington, MA

Width of Sidewalk along Storefront (ft); *1:
18 feet

Phone Number/Email:
781-648-2300 / info@ristoranteolivo.com

Length of Proposed Sidewalk Café (ft):
30 feet

Business Representative's Name:
Angelo DiGirolamo

Width of Proposed Sidewalk Café (ft); *2:
14 feet

Name & Address of Building Owner:
David Epstein 266 Bishops Forest Drive, Waltham, MA 02452

*1: Measure from front Building Wall to inside of sidewalk granite curb edge.

*2: Measure from front Building Wall to outside of Sidewalk Café surrounding border fencing/barrier.

Application Submittal Requirements:

1.) Fee: An annual permit fee of **\$50.00** payable to the Town of Arlington filed with the Selectmen's Office. The Board may prorate its fee for applicants in their initial term to reflect the number of months the permit sought will be held.

2.) Site Plan: Furnish a **Site Plan** (scale diagram) showing the location of tables, chairs, umbrellas, trash receptacles, heaters, barricades, as well as a **picture or photograph of the proposed furniture** in compliance with the following requirements:

- No person or entity shall cause to be placed within the public ways any furniture without applying for a permit and receiving approval from the Board of Selectmen of the Town. This permit shall be considered separate and distinct from others issued by the Town, including those for common victuallers.
- Ordinarily, the location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. It shall be sited as close to the building façade as practicable and in no event to exceed twelve (12) feet from the food service door of the establishment.
 - Under limited circumstances, sidewalk café areas may be approved adjacent to a storefront, grouped at a distance from the storefronts, or allowed in both positions if a scaled plan showing dimensions clearly establishes:

\$50 check # 3353

- a) The requested location(s) create the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and/or
 - b) the location does not extend substantially beyond the side edges of the business (allowing for up to 10 feet of latitude where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises), and/or
 - c) no more than 256 square feet of the public way would be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36" to the nearest barrier, would not impede circulation, and would not preclude other allowed desirable uses for the public space, and
 - d) in every case, the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.
- Further, Tables, chairs, benches, food equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of three (3) feet and a recommended width of four (4) feet of unobstructed passage for pedestrian traffic.
 - In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, call box, or bus stop.
 - Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.
 - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height.
 - Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
 - Well-designed physical barricades surrounding/framing sidewalk cafés are **strongly encouraged**.

3.) **Insurance:** The applicant restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage for bodily injury, death, disability, and property damage liability in the following amounts:

- **At least \$1,000,000 per occurrence and \$3,000,000 annual aggregate for any restaurant serving alcohol as part of its use of sidewalk café space; or**

- **At least \$300,000 per occurrence and \$900,000 annual aggregate for restaurants which are either not licensed to serve alcohol or restaurants which attest that they will not serve alcohol as part of their use of sidewalk café space.**

The Town of Arlington shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately inform the Selectmen's Office if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement. An insurance certificate naming the Town as an additional insured must be provided to the Office of the Board of Selectmen before any Sidewalk Café/Outdoor Seating Area will be issued.

4.) Indemnification and Acknowledgement of Rights: The applicant restaurant-owner shall also furnish a signed agreement to indemnify the Town of Arlington for its use of public property as a sidewalk café/outdoor seating from any and all claims that may be brought against the Town in connection with such use. Such a signed agreement shall also acknowledge the Town's rights with respect to its property and the limitations of the permit (attached hereto).

5.) Compliance Requirements: By signing this application, the Applicant agrees to accept and comply with the following requirements:

- All services provided to sidewalk café customer and customer activity must occur within the designated sidewalk café area.
- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
 - Patrons must wear shoes and shirts at all times.
 - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
 - To the extent applicable, sidewalk cafes must adhere to all regulations pertaining to food and beverage enforced by the Board of Health and Board of Selectmen.
 - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
 - All permit holders shall be required to abide by all federal, state, and local laws.
 - Outdoor alcohol service (and food service when alcohol is served outdoors) shall conclude at or before 10:00 p.m. Sunday through Thursday, and at or before 11:00 p.m. Friday and Saturday.

6.) Other Regulations: By receiving a sidewalk café/outdoor seating permit, restaurants are not exempted from other federal, state, and local laws and regulations. Among other regulations, permit holders must comply with local zoning and state building code requirements and Board of Selectmen alcohol service regulations. Applicants are strongly advised to ensure their plans comply with zoning and state building requirements by contacting Inspectional Services.

7.) Revocation: The sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10-days prior to actual revocation and shall specify the area or areas of failure to meet requirements and maintain conditions the Town may have imposed. If, during that period, proof of compliance is made to the satisfaction of designated Town Inspectors by the holder of the permit, the permit shall be continued in force.

- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

8.) Term & Non-Transferability: Each Sidewalk Café Permit is valid for one calendar year from the January 1st through December 31st and is non-transferable.

I have read and fully understand the above rules and regulations applying to the approval of this permit.

Dated 3-1, 2016

By: _____

(Signature)

(Print Name & Address) ANGELO DI GIROLAMO 201 MASS. AVE. ARLINGTON MA

02474

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON

SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT & ACKNOWLEDGEMENT

On behalf of the business applying for a Sidewalk Café (Outdoor Seating) license from the Town of Arlington Board of Selectmen, I, as a duly authorized agent of Ristorante Olivo, a licensed restaurant operating within the Town of Arlington, acknowledge that I seek permission to use a portion of the public sidewalk in front of (or where permitted, adjacent to) the business premises to operate a sidewalk café/outdoor seating area. I understand that a Sidewalk Café permit does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

Furthermore, I, as a duly authorized agent of Ristorante Olivo, agree to hold harmless the Town of Arlington, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that Board of Selectmen and/or any government agency with jurisdiction may revoke my permit to use public sidewalk space at any time for any reason whatsoever. The permit can be revoked for failure to comply with any terms and conditions of the permit or any agreements between my business and the Town of Arlington or for violation of any of the rules and regulations enforced by Board of Selectmen, the Department of Inspectional Services, the Police Department, or the Board of Health. I understand there will be no refund of any fees or compensation paid to the Town of Arlington.

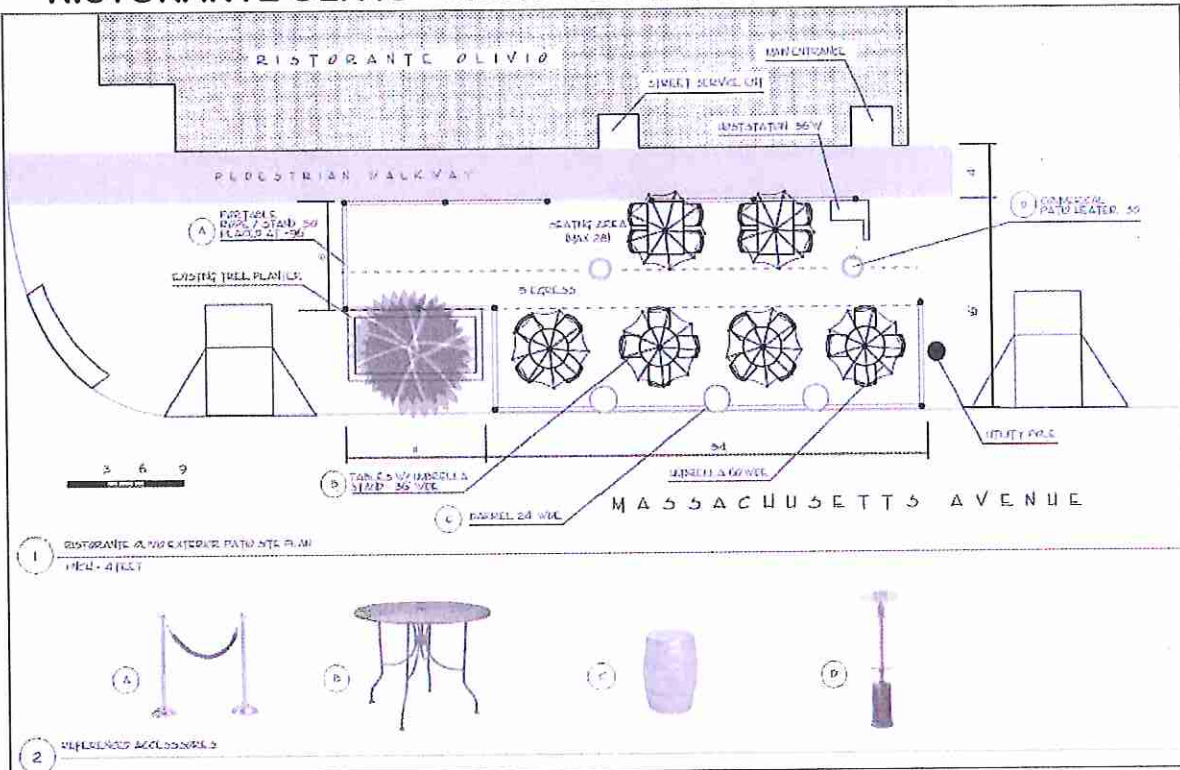
I further agree to promptly remove any property placed on the sidewalk space or reimburse the Town of Arlington for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

I certify that I have read and agree with the terms and conditions outlined both here and within the Sidewalk Café Permit Application.

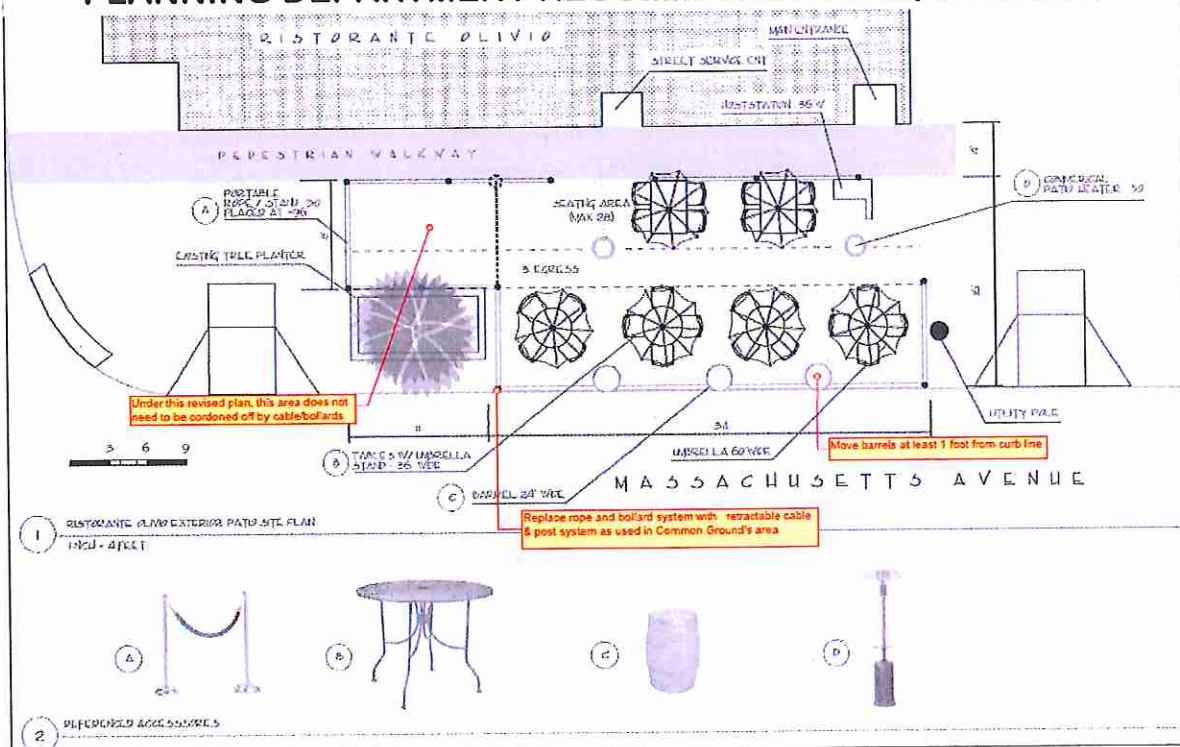
Angel M. Giron
Signature

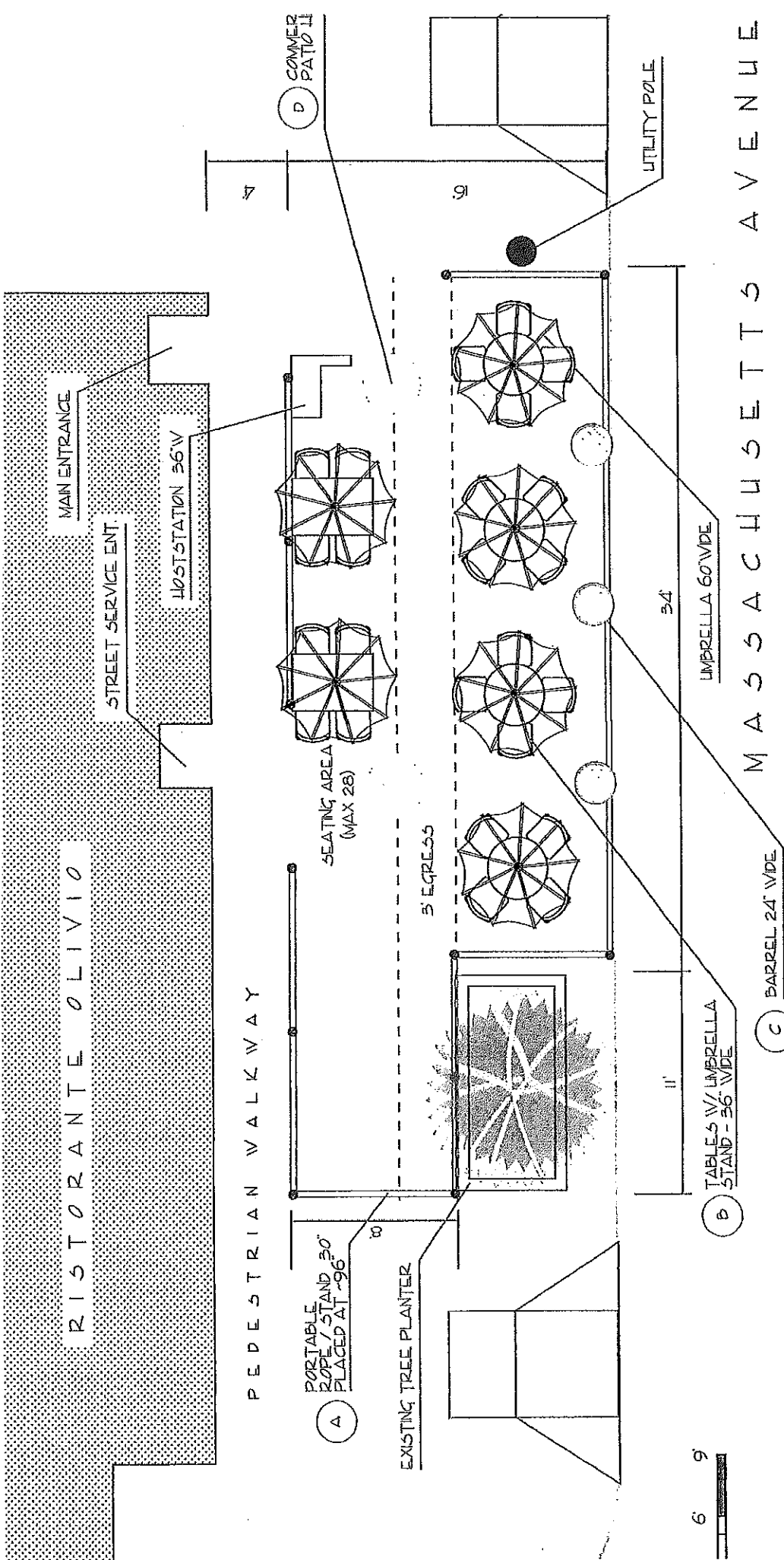
3-1-16
Date

RISTORANTE OLIVIO - SIDEWALK CAFÉ PROPOSAL, 8.13.2015



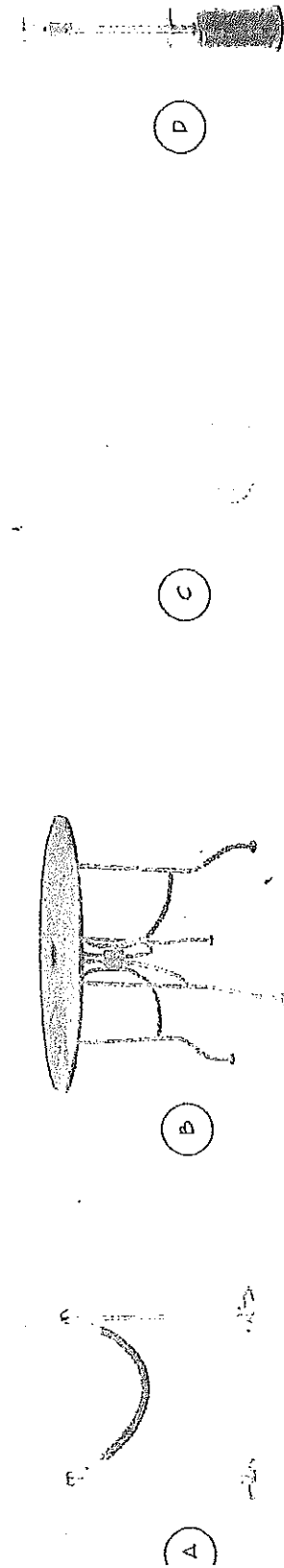
PLANNING DEPARTMENT RECOMMENDATIONS, 8.13.2015





OLIVIO EXTERIOR PATIO SITE PLAN

FEET



AD ACCESSORIES

[illegible]



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/2/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Quinn Group Insurance Agency, Inc. 223 Massachusetts Ave. Arlington MA 02474	CONTACT NAME: Johanna Callen PHONE (A/C, No, Ext): (781) 483-3248 FAX (A/C, No): (781) 641-3223 E-MAIL ADDRESS: Johanna@QuinnGroupIns.com
INSURED BERNARDOS RESTAURANT LLC DBA RISTORANTE OLIVIO 201 MASSACHUSETTS AVE ARLINGTON MA 02474-8627	INSURER(S) AFFORDING COVERAGE INSURER A: Selective of South Carolina INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: CL163206128

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		S 2041535	10/2/2015	10/2/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 UCC \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is listed as Additional Insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk cafe.

CERTIFICATE HOLDER

CANCELLATION

Town of Arlington
Office of the Board of Selectman
730 Massachusetts Avenue
Arlington, MA 02476

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, **Thursday, March 31, 2016**
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 315 Broadway
Applicant's Name: Tanya Abraham
D/B/A: The Madrona Tree
Telephone: 781 859-5551(cell)
Department: Sent Interoffice Mail & E-mail Date: 6/18/15

MEETING DATE: APRIL 4, 2016

RE: SIDEWALK CAFE PERMIT

Board of Health
Building
Planning
ADA Compliance

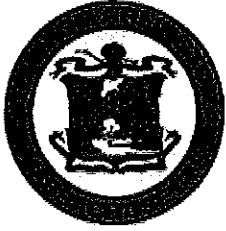
Comments by each Division or Department:

Applicant Section:

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Applicant's Name: _____

Date: _____



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Natasha Waden, Health Compliance Officer
Date: March 31, 2016
RE: Café Outdoor Seating Permit Renewals

Please accept the following as comments from the Office of the Board of Health regarding Permit Renewals for Café Outdoor Seating at Barismo, Common Ground, Ristorante Olivio, and The Madrona Tree:

- The Establishment must prohibit smoking in the outdoor seating area by conspicuously posting a notice or sign which states "No Smoking" or the by using a sign with the international "No Smoking" symbol in the outdoor area.
- The owner or designated Person in Charge is responsible for maintaining the outdoor seating area Smoke Free.
- Any person in charge of a public place or workplace who fails to comply with the regulations is subject to a fine of two hundred dollars (\$200.00) for each day of the violation.
- The Establishment is responsible for maintaining the outdoor seating in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

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Location: 315 Broadway
Applicant's Name: Tanya Abraham
D/B/A: The Madrona Tree
Telephone: 781 859-5551(cell)
Department: Sent Interoffice Mail & E-mail Date: 6/18/15

MEETING DATE: APRIL 4, 2016

RE: SIDEWALK CAFE PERMIT

Board of Health
☒ Building
Planning
ADA Compliance

Comments by each Division or Department:

Inspectional Services has no objections to this or any other outdoor furniture permit the BoS wishes to grant. The applicant will need to present plans to this department for building code review prior to furniture being approved or placed. At that time, we can over particulars such as aisle width, distance between chairs/tables and how the new occupant load may affect the establishments bathroom requirements, among other possible issues.

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Applicant's Name: _____

Date: _____



TOWN OF ARLINGTON
MASSACHUSETTS 02476
781 - 316 - 3090
DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT

To: Arlington Board of Selectmen, c/o Mary Ann Sullivan
From: Ted Fields, Dept. of Planning & Community
Development Date: March 29th, 2016
Re: Sidewalk Cafe License Renewals, 2016

Per your request on March 25th, 2016 (updated on March 28th), the Planning Department has reviewed annual renewal applications for the following Sidewalk Cafe licenses approved by the Arlington Board of Selectmen in 2015:

Madrona Tree - 315 Broadway

The existing approved outdoor seating areas of this restaurant consists of five small tables in Broadway Plaza arrayed around a 12-foot wide concrete planter, separated from the main establishment's facade by an acceptable eight (8) foot pedestrian travel corridor. The applicant demonstrates acceptable coverage in excess of \$1,000,000 in general liability insurance. This permit should be renewed for 2016.

COMMISSION ON DISABILITY, TOWN OF ARLINGTON

20 ACADEMY STREET, SUITE 203, ARLINGTON, MASSACHUSETTS 02476-6436 (781) 316-3431



MEMO TO: Board of Selectmen
Adam Chadelaine, Town Manager

FROM: Jack Jones, Director of Housing & Disability Programs

DATE: March 31, 2016

RE: Outside Furniture Permit

JJ

It appears from the attached diagram and a completed survey of the sidewalk in front of **The Madrona Tree, 315 Broadway**, that all conditions pertaining to accessibility of sidewalk dining will be in compliance with federal and state regulations.

In order to be in compliance with regards to sidewalk dining the absolute minimum clear path of travel along the sidewalk must be at least 36" according to the Massachusetts Architectural Access Board and the Americans with Disabilities Act Architectural Guidelines. The Arlington Commission on Disability however requests the consideration of the Board of Selectmen to require a minimum of 48" of clear unobstructed sidewalk between the exterior wall of the restaurant and the nearest obstruction to the path of travel. Possible obstructions that could affect compliance that will need to be watched are tables, chairs, other furniture, trees, trash receptacles, fire hydrants, planters, sandwich boards, etc. In addition a portion (5%), but not less than one, of available seating must be wheelchair accessible, with an accessible route of at least 36" between tables. The Disability Commission strongly recommends to the Board of Selectmen that a compliance monitoring process be developed in addition to employee training for all restaurant employees to ensure that accessibility is maintained after the permitting process.

Sidewalk Café Permit Application - Town of Arlington, MA

This is an application to the Board of Selectmen of the Town of Arlington Massachusetts, for a permit to place and maintain a Sidewalk Café (an outside seating area for licensed restaurants) on the public right of way in Arlington, Massachusetts described below:

(PLEASE TYPE OR PRINT)

Business Name:

THE MADRENA TREE

Length of Storefront (ft):

13 FT

Business Address/Location:

315 BROADWAY

Width of Sidewalk along Storefront (ft); *1:

8 FT

Phone Number/Email:

781-859-5557

Length of Proposed Sidewalk Café (ft):

X 15 FT APPX

Business Representative's Name:

Tanya Abraham

Width of Proposed Sidewalk Café (ft); *2:

APPROX. 18 FT

Name & Address of Building Owner:

TRITON REALTY P.O. BOX 170040 BOSTON MA 02117

12 FT WIDE PLANKS

*1: Measure from front Building Wall to inside of sidewalk granite curb edge.

*2: Measure from front Building Wall to outside of Sidewalk Café surrounding border fencing/barrier.

Application Submittal Requirements:

- 1.) Fee: An annual permit fee of **\$50.00** payable to the Town of Arlington filed with the Selectmen's Office. The Board may prorate its fee for applicants in their initial term to reflect the number of months the permit sought will be held.
- 2.) Site Plan: Furnish a **Site Plan** (scale diagram) showing the location of tables, chairs, umbrellas, trash receptacles, heaters, barricades, as well as a **picture or photograph of the proposed furniture** in compliance with the following requirements:
 - No person or entity shall cause to be placed within the public ways any furniture without applying for a permit and receiving approval from the Board of Selectmen of the Town. This permit shall be considered separate and distinct from others issued by the Town, including those for common victuallers.
 - Ordinarily, the location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. It shall be sited as close to the building façade as practicable and in no event to exceed twelve (12) feet from the food service door of the establishment.
 - Under limited circumstances, sidewalk café areas may be approved adjacent to a storefront, grouped at a distance from the storefronts, or allowed in both positions if a scaled plan showing dimensions clearly establishes:

- a) The requested location(s) create the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and/or
 - b) the location does not extend substantially beyond the side edges of the business (allowing for up to 10 feet of latitude where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises), and/or
 - c) no more than 256 square feet of the public way would be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36" to the nearest barrier, would not impede circulation, and would not preclude other allowed desirable uses for the public space, and
 - d) in every case, the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.
- Further, Tables, chairs, benches, food equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of three (3) feet and a recommended width of four (4) feet of unobstructed passage for pedestrian traffic.
 - In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, call box, or bus stop.
 - Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.
 - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height.
 - Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
 - Well-designed physical barricades surrounding/framing sidewalk cafés are **strongly encouraged**.

3.) **Insurance:** The applicant restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage for bodily injury, death, disability, and property damage liability in the following amounts:

- **At least \$1,000,000 per occurrence and \$3,000,000 annual aggregate for any restaurant serving alcohol as part of its use of sidewalk café space; or**

- **At least \$300,000 per occurrence and \$900,000 annual aggregate for restaurants which are either not licensed to serve alcohol or restaurants which attest that they will not serve alcohol as part of their use of sidewalk café space.**

The Town of Arlington shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately inform the Selectmen's Office if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement. An insurance certificate naming the Town as an additional insured must be provided to the Office of the Board of Selectmen before any Sidewalk Café/Outdoor Seating Area will be issued.

4.) Indemnification and Acknowledgement of Rights: The applicant restaurant-owner shall also furnish a signed agreement to indemnify the Town of Arlington for its use of public property as a sidewalk café/outdoor seating from any and all claims that may be brought against the Town in connection with such use. Such a signed agreement shall also acknowledge the Town's rights with respect to its property and the limitations of the permit (attached hereto).

5.) Compliance Requirements: By signing this application, the Applicant agrees to accept and comply with the following requirements:

- All services provided to sidewalk café customer and customer activity must occur within the designated sidewalk café area.
- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
 - Patrons must wear shoes and shirts at all times.
 - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
 - To the extent applicable, sidewalk cafes must adhere to all regulations pertaining to food and beverage enforced by the Board of Health and Board of Selectmen.
 - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
 - All permit holders shall be required to abide by all federal, state, and local laws.
 - Outdoor alcohol service (and food service when alcohol is served outdoors) shall conclude at or before 10:00 p.m. Sunday through Thursday, and at or before 11:00 p.m. Friday and Saturday.

6.) Other Regulations: By receiving a sidewalk café/outdoor seating permit, restaurants are not exempted from other federal, state, and local laws and regulations. Among other regulations, permit holders must comply with local zoning and state building code requirements and Board of Selectmen alcohol service regulations. Applicants are strongly advised to ensure their plans comply with zoning and state building requirements by contacting Inspectional Services.

7.) Revocation: The sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10-days prior to actual revocation and shall specify the area or areas of failure to meet requirements and maintain conditions the Town may have imposed. If, during that period, proof of compliance is made to the satisfaction of designated Town Inspectors by the holder of the permit, the permit shall be continued in force.

- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

8.) Term & Non-Transferability: Each Sidewalk Café Permit is valid for one calendar year from the January 1st through December 31st and is non-transferable.

I have read and fully understand the above rules and regulations applying to the approval of this permit.

Dated 3/12, 2016

By: _____

(Signature)

(Print Name & Address) Tanya Abraham 315 BROADWAY ARLINGTON MA
02474

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON

SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT & ACKNOWLEDGEMENT

On behalf of the business applying for a Sidewalk Café (Outdoor Seating) license from the Town of Arlington Board of Selectmen, I, as a duly authorized agent of Madama Tree, a licensed restaurant operating within the Town of Arlington, acknowledge that I seek permission to use a portion of the public sidewalk in front of (or where permitted, adjacent to) the business premises to operate a sidewalk café/outdoor seating area. I understand that a Sidewalk Café permit does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

Furthermore, I, as a duly authorized agent of Madama Tree, agree to hold harmless the Town of Arlington, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that Board of Selectmen and/or any government agency with jurisdiction may revoke my permit to use public sidewalk space at any time for any reason whatsoever. The permit can be revoked for failure to comply with any terms and conditions of the permit or any agreements between my business and the Town of Arlington or for violation of any of the rules and regulations enforced by Board of Selectmen, the Department of Inspectional Services, the Police Department, or the Board of Health. I understand there will be no refund of any fees or compensation paid to the Town of Arlington.

I further agree to promptly remove any property placed on the sidewalk space or reimburse the Town of Arlington for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

I certify that I have read and agree with the terms and conditions outlined both here and within the Sidewalk Café Permit Application.

Signature

Date

3/13/16



N

COMMON GROUND

315 Broadway

THE MADRONA TREE

315 Broadway

OPTIQUE BOUTIQUE

316 Broadway

THE ARTFUL ART

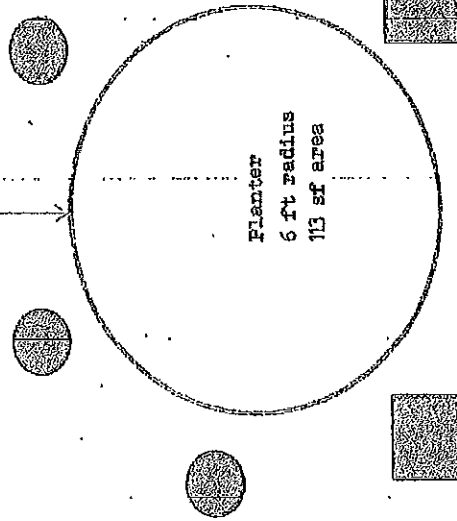
315 Broadway

8 ft (sidewalk travel width)

12 ft (to edge of planter)

13 ft (storefront width)

Proposed Outdoor Dining Area
250 sf net total
REVISED 4.7.15



Parking Area

DRAFT

BROADWAY PLAZA

Revised Draft 4.6.2015

ACORD_{TM}

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/23/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HUB Int'l New England (ABIA) 299 Ballardvale Street Wilmington, MA 01887 978 657-5100	CONTACT NAME: Alice Croke	
	PHONE (A/C, No, Ext): 978 657-5100	FAX (A/C, No): 978-988-0038
INSURED Madrona Tree, Inc 315 Broadway Arlington, MA 02474	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Preferred Mutual Insurance Comp	
	INSURER B: Mass Retail Merchants WC	
	INSURER C:	
	INSURER D:	
	INSURER E:	
INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		BOP0100719388	07/02/2015	07/02/2016	EACH OCCURRENCE \$2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$10,000
						PERSONAL & ADV INJURY \$2,000,000
						GENERAL AGGREGATE \$4,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PRODUCTS - COMP/OP AGG \$4,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	DED <input type="checkbox"/> RETENTION \$					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		TO FOLLOW	FROM	CARRIER	WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y/N <input checked="" type="checkbox"/> N	N/A				E.L. EACH ACCIDENT \$
	(Mandatory in NH)					E.L. DISEASE - EA EMPLOYEE \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - POLICY LIMIT \$
A	Contents		BOP0100719388	07/02/2015	07/02/2016	\$29,800 w/replacement

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Town of Arlington Massachusetts Avenue Arlington, MA 02474	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>John Zawalinski</i>



Town of Arlington, Massachusetts

Request: Handicap Parking Sign @ 9-11 Oxford Street

Summary:

John A. Caruso

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Oxford_Street_Handicap_Request.pdf	Inspections Summary Report, Police memo, Fire memo, Caruso request

INSPECTIONS SUMMARY REPORT

Type of Request: Residential Handicap Parking Sign Application

Name of Applicant: **John A. Caruso**

Address: **9-11 Oxford Street**

The following Departments have **no objections** to the issuance of said license:

- Police **X**
- Fire **X**

The following Departments have **objections** to the issuance of said license:
(see attached)

- Police
- Fire

ARLINGTON POLICE DEPARTMENT

CHIEF OF POLICE
Frederick Ryan



Town of Arlington
MASSACHUSETTS 02474

POLICE HEADQUARTERS
112 Mystic Street
Telephone 781-316-3900
Facsimile 781-316-3919

MEMORANDUM

TO: Marie Krepelka
Board Administrator

FROM: Officer Corey P. Rateau
Traffic and Parking Unit

DATE: March 29, 2016

RE: Handicap Parking Request -9-11 Oxford Street

At your request, I looked into Mr. Caruso's request to have a handicap parking space designated in front of the above location to give the two residents, his mother (101 years old) and sister (80 years old), easier access to and from the residence when they are picked up. Upon reviewing the petition, (which included HP placards for both parties), the property, and the area parking conditions, the Traffic and Parking Unit has no objection to this petition.

Please notify the petitioner that if approved this space is not exclusively theirs and would be available for use by anyone displaying a handicap placard. They should also be notified that a handicap placard does not automatically exempt them from the town's overnight parking ban.

Cc: Frederick Ryan
Police Chief

Capt. Julie Flaherty
Support Services Commander

Lt. Paul Conroy
OIC / Traffic, Details, and Licensing

AFD Operations

Adam Chapdelaine
Town Manager

"Proactive and Proud"

From: "John Kelly (Fire Dept)" <JKelly@town.arlington.ma.us>
To: "Fran Reidy" <FReidy@town.arlington.ma.us>
Date: 03/29/2016 12:22 PM
Subject: Re: Handicap Parking Request for 9-11 Oxford St.

The Arlington Fire Dept. has no objections to this request.

Thank You

Deputy Chief John R Kelly
Arlington Fire Dept.
Operations Division
781-316-3803

TOWN OF ARLINGTON
Residential Handicap Parking Sign Application

Name: Mrs. JEAN CARUSO

Address: 9-11 Oxford Street

Telephone: Home: 781-648-2184 Work: N/A

Date: 3/27/2016

Please read the Board of Selectmen Residential Handicap Parking Sign Policy prior to completing this application. If you have any questions regarding the application process, please contact the Office of the Board of Selectmen.

1. Please attach a photocopy of your handicap placard, or documentation that you have a handicap plate. It is not necessary to attach any additional documentation.
2. Are you the owner of your residence? Owner
3. Do you have off-street parking? Yes
4. If yes, how many off-street spaces? 2

On the reverse side of this page, please provide the general reasons why the granting of such a space will increase your ability to access/egress your home. When providing your reasoning, you should address those questions listed in the Off-Street Parking section of the Board's policy, found on page two, that are relevant to your application.

When you have completed this application, and attached a photocopy of your placard, or documentation of your plate, please forward your application to the Office of the Board of Selectmen. Within two weeks you will be contacted regarding your application.

Contact: JOHN A. CARUSO
Phone # 781-862-1794
Cell # 617-448-9703

Both residents living at 9-11 Oxford Street are handicapped. My mother (101 yrs) and my sister (80 yrs) is recovering from a broken hip operation.

It is very difficult to pick them up for doctor appointments, shopping, etc. because of the parking in front of their home.

Although they have a driveway, it is nearly impossible to make a swing into it because of the parked cars in front of the house.

If cars were not parked so close to the driveway entrance, the swing into and out of it could be accomplished.

Therefore, we are requesting a "handicapped" or "no-parking" section so we could in or out unimpeded.

P87128316

Expires:

06-10-18

**Disabled Persons
Parking Identification Placard**



Rachel Kaprielian
Registrar



CARUSO
JEAN

**Commonwealth of
Massachusetts**



P95744107

Expires:

01-07-16

**Disabled Persons
Parking Identification Placard**



Chae A. Dwyer
Registrar



MACEACHERN
JOAN
D

**Commonwealth of
Massachusetts**





Town of Arlington, Massachusetts

For Approval: A-Town Jazz Festival Banners

Summary:

Dan Fox

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	A-Town_Jazz_Festival.pdf	Dan Fox request with sample banner; ACAC letter of support

From: Daniel Fox <danfox1@verizon.net>
To: mkrepelka@town.arlington.ma.us
Date: 04/04/2016 10:21 PM
Subject: Request for A-Town Jazz Festival Banners

Hello,

My name is Dan Fox and I run the A-Town Jazz Festival, now going into it's fifth year. This is going to be the biggest year so far, spanning 3 days and 6 different venues around town. The dates are April 29-May 1. It will include students from AHS as well as professional musicians. You can see the full schedule here:

www.a-townjazz.org

I am writing to see if it would be possible to have banners for the event hung in town. I have support from the Arlington Commission on Arts and Culture. Please see attachment.

Thanks You for Your Consideration,

Dan Fox
www.morningsidemusicstudio.com
617.909.7776

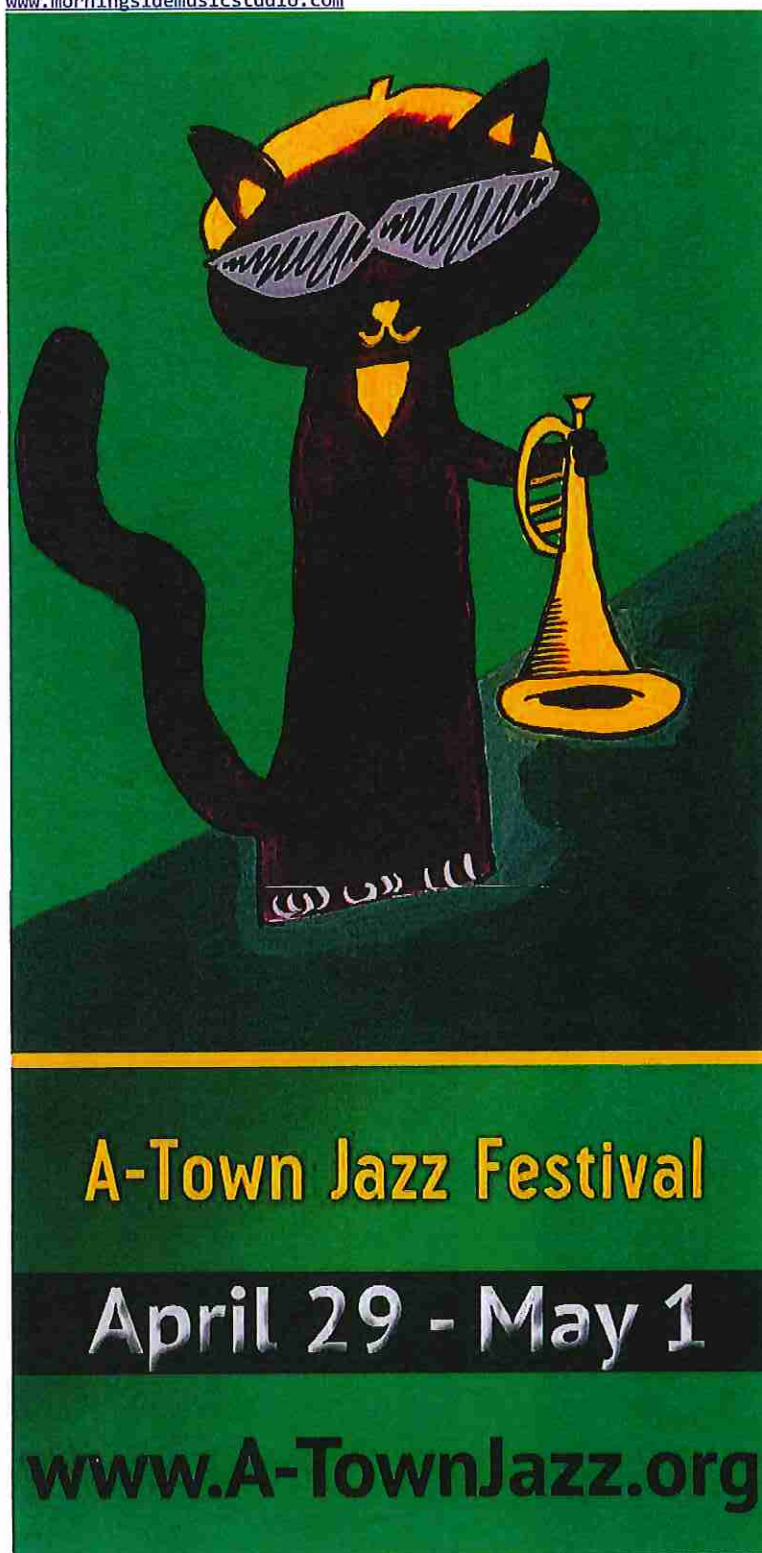
Attachments:

File: ACAC letter of support for A-Town jazz 4.4.16.pdf	Size: 84k	Content Type: application/pdf
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From: Daniel Fox <danfox1@verizon.net>
To: mkrepelka@town.arlington.ma.us
Date: 04/06/2016 03:24 PM
Subject: A-Town Jazz Festival Artwork

Hello,
Please see attached image for your review. This is a small file but I have the source files and it is 30"x60" as specified. Thank you for your consideration in having these banners displayed in town.
Dan Fox

617.909.7776

www.morningsidemusicstudio.com

Adria Arch
Barbara Costa, Co-Chair
Carla Dorato
Jonathan Hyde
Stephanie Marlin-Curiel, Co-Chair
Leland Stein
Aimee Taberner

April 4, 2016

Honored Board of Selectmen,

We write in strong support of Dan Fox's request to hang pole banners along Mass Ave to promote the upcoming A-Town Jazz Festival. A-Town Jazz, in its 5th year, is poised to become one of Arlington's signature events. This year, the festival is expanding from one day to three days (4/29-5/1), and is spread across a range of venues all over town: Flora Restaurant, Artlounge, Kickstand Café, Town Hall, the Regent Theatre Underground, Menotomy Grill, and an outdoor performance on the Whittemore-Robbins lawn.

Organizer Dan Fox and the lineup he has put together are all premiere musicians, and the event compares in significance and scope to other events such as Arlington Center for the Arts' Open Studios and the Arlington Alive Summer Block Party that have previously been given pole banner status.

As an option, Tom Davison of Arlington Tourism and Economic Development Committee (A-TED), who produced the festival and the banners, has agreed that the A-Town Jazz Banners could be hung with the Arlington Alive "header". The Arlington Alive banners were created as short "header" banners under which other events could be hung so that Arlington Alive could become an umbrella brand for significant Arts and Culture events in Arlington.

Whether or not Arlington Alive is used as the header, please grant permission to Dan Fox to hang banners for A-Town Jazz, so that we can draw attention to this fabulous event and to our culturally rich town.

Respectfully,

Stephanie Marlin-Curiel

Barbara Costa

Stephanie Marlin-Curiel and Barbara Costa
Co-Chairs, Arlington Commission on Arts and Culture



Town of Arlington, Massachusetts

For Approval: Sidewalk Sale to Benefit 'Earth Citizen Organization' @ Body n Brain Yoga, 325 Broadway, April 16, 10:00 a.m. - 4:00 p.m.

Summary:

Mary Jo Sargent, Body n Brain Yoga

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	letter_of_request.docx	Request Letter from Brain n Body Yoga
▢ Reference Material	Picture_#1.jpg	Picture #1
▢ Reference Material	Picture_#2.jpg	Picture #2
▢ Reference Material	Picture_#3.jpg	Picture #3

To Arlington Board of Selectman,

I am writing to request permission to hold a Sidewalk Sale in Front of the Arlington Body n Brain yoga studio at 325 Broadway Arlington.

We would like to hold the event on Saturday, April 16th from 10-4pm.

We would set up in front of the yoga studio, leaving adequate walkway space on both sides. We would use 8, 6ft. tables

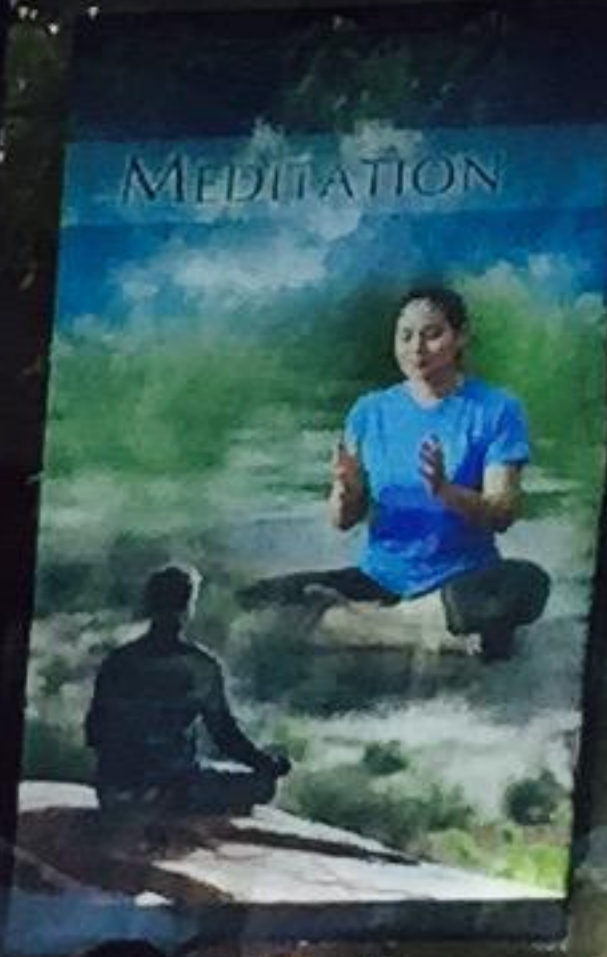
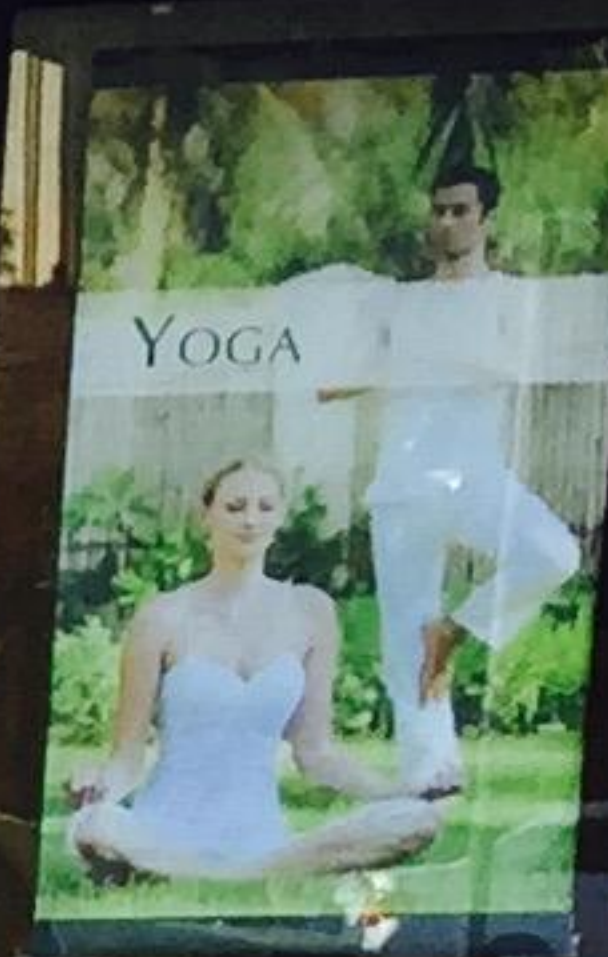
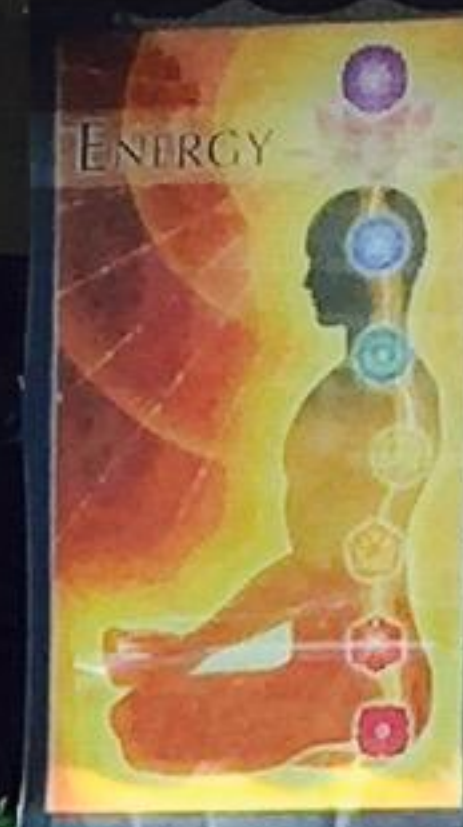
I have attached a diagram and pictures to show the exact location.

We held a similar event last year and would have the same set up.

The event is to benefit a nonprofit organization called ECO(Earth Citizen Organization) which believes in global responsibility.



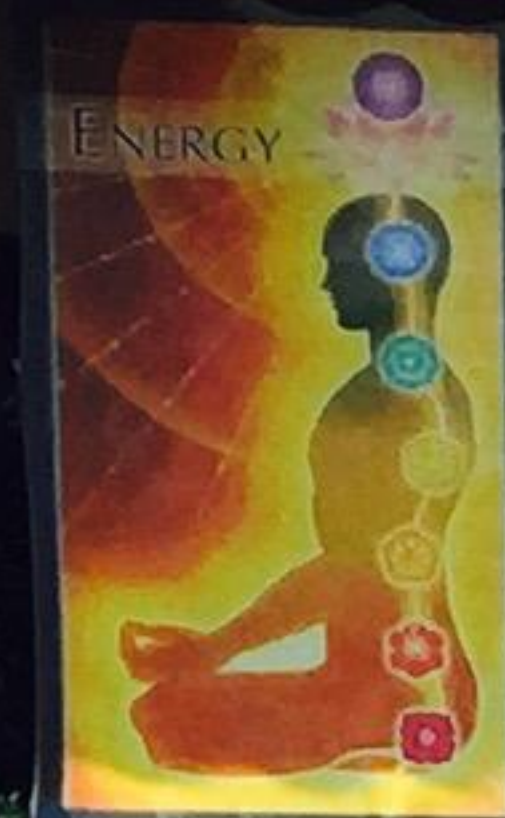
327



Monday, Monday
Chakra Massage
\$10
10am - 12pm



YOGA & HEALING



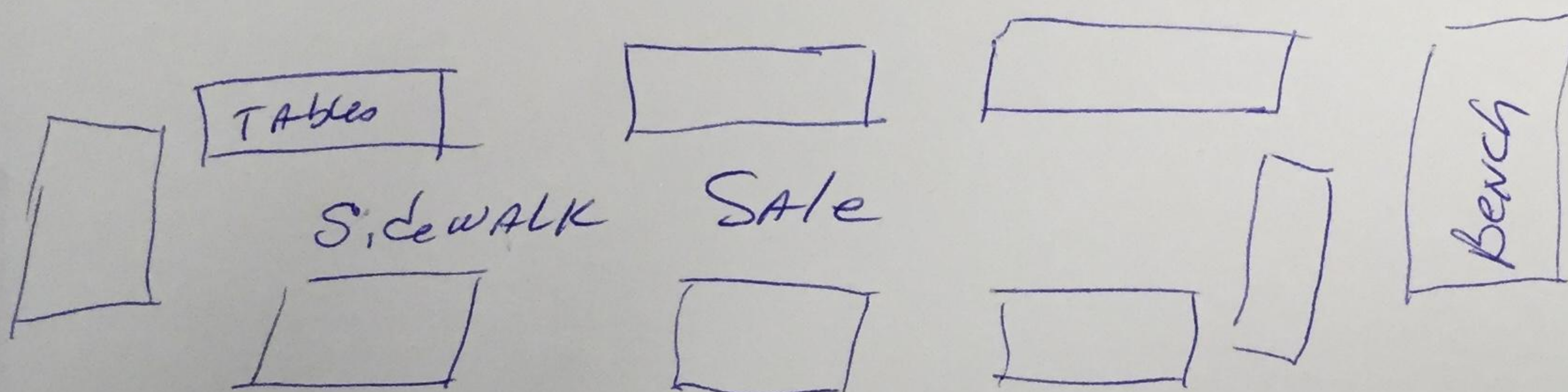
RETAIL SPACE AVAILABLE
617 330.8000
COLLIERS
COMMERCIAL REAL ESTATE
www.colliersretail.com

Monday, Monday
Shoulder Massage
\$10
10am-12pm



MASS Ave

WALK WAY



WALK WAY

Starbucks

Body N BRAIN
yoga

CUS



Town of Arlington, Massachusetts

Sign Request, Ravine Street

Summary:

Rebecca and Doug Perlo, 40 Irving Street

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Perlo_letter.docx	Perlo Letter to Board of Selectmen
▣ Reference Material	Map.pdf	Perlo Map
▣ Reference Material	No_Parking_Driveway_Signs.pdf	Pictures: No Parking Here To Driveway Signs
▣ Reference Material	No_Parking_Corner_Signs.pdf	Pictures: No Parking Here to Corner Signs
▣ Reference Material	Minutes_3.18.1996.pdf	Board of Selectmen Minutes March 18, 1996
▣ Reference Material	Traffic_Rules_and_Orders__Parking.docx	Traffic Rules & Orders Section 1
▣ Reference Material	Engineering_e-mail_to_Mr._Perlo.pdf	W. Chouinard e-mail to D. Perlo, 11.19.15
▣ Reference Material	Corey_Rateau_e-mail.pdf	C. Rateau Comments 12.5.14
▣ Reference Material	Dan_Warren_e-mail.pdf	D. Warren Comments 12.3.14

Board of Selectmen

22 December 2015

Arlington, MA

Dear Selectmen,

In December 1995 we purchased the home at 40 Irving St, at the corner of Ravine St. Our driveway opens onto Ravine Street.

Due to two different schools sharing the Parmenter School building on Irving St, teaching staff and parents often park their cars on Ravine St. We quickly found ourselves having great difficulty entering, but especially exiting, our driveway due to cars parked too close to its borders.

We came to you, or at least the board as it appeared in early 1996, to request a sign that would regulate the space closest to the north side of our driveway. You agreed, and approved a sign.

The DPW put up a sign that read “No Parking Here to Corner” in the location marked on the accompanying map as point A.

We quickly found that the general public did not seem to understand that the sign prohibited parking next to our driveway, and found ourselves often having to call for enforcement of the no parking area, but with no longterm positive effects. Taking the advice of one of the officers who came to ticket an illegally parked car, we began painting the curb, in the no parking area, yellow. We have continued doing so seasonally to this day. We also purchased reflective sign tape, with writing indicating the word Driveway in the proper sign font, and an arrow pointing right (south , toward the driveway edge). Now the sign read “No Parking Here to Driveway.” And it worked. For about 18 years.

In the fall of 2014, the sign was, inexplicably, removed. DPW had no explanation. Initially denying that a sign ever existed in that location, DPW were provided photos of the sign in place. DPW continued to refuse to replace the sign. Ms Reidy helped us find the minutes from our appearance before the board in 1996, and DPW agreed to replace the sign.

The sign placed (initially in the wrong spot, then rectified) by DPW states “No Parking Here to Corner” with no arrow. The teachers, parents and visitors have once again been parking in the space between the sign and our driveway edge. And they have chosen to interpret the sign as preventing parking between it and Irving St, thus trading three legal spots for one improper one.

To restore the situation to normal, we again purchased reflective stickers with the word Driveway and an arrow pointing to the right (south) and placed them on the sign. This, as we had learned so many years before, ended the problem.

The DPW does not want us to have a sign that actually gives parkers proper information. They have continually removed the stickers from the sign, leaving the sign insufficient to accurately notify parkers where they are and are not expected to leave their cars. Mr. Chouinard advises that his sign shop cannot make a sign without specific approval of its exact wording by the board of Selectmen. While we find it hard to believe that intelligent people cannot use their judgment to make a sign that is proven to work, we request that the board of Selectmen order a sign be placed in location A, which states “No Parking Here to Driveway,” with an arrow facing right (south). We suggest that such a sign will remove all doubt as to the allowed and prohibited parking spaces, and will restore the status quo for the last 19 years.

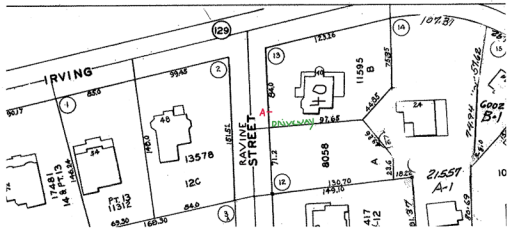
Thank you for your time and attention

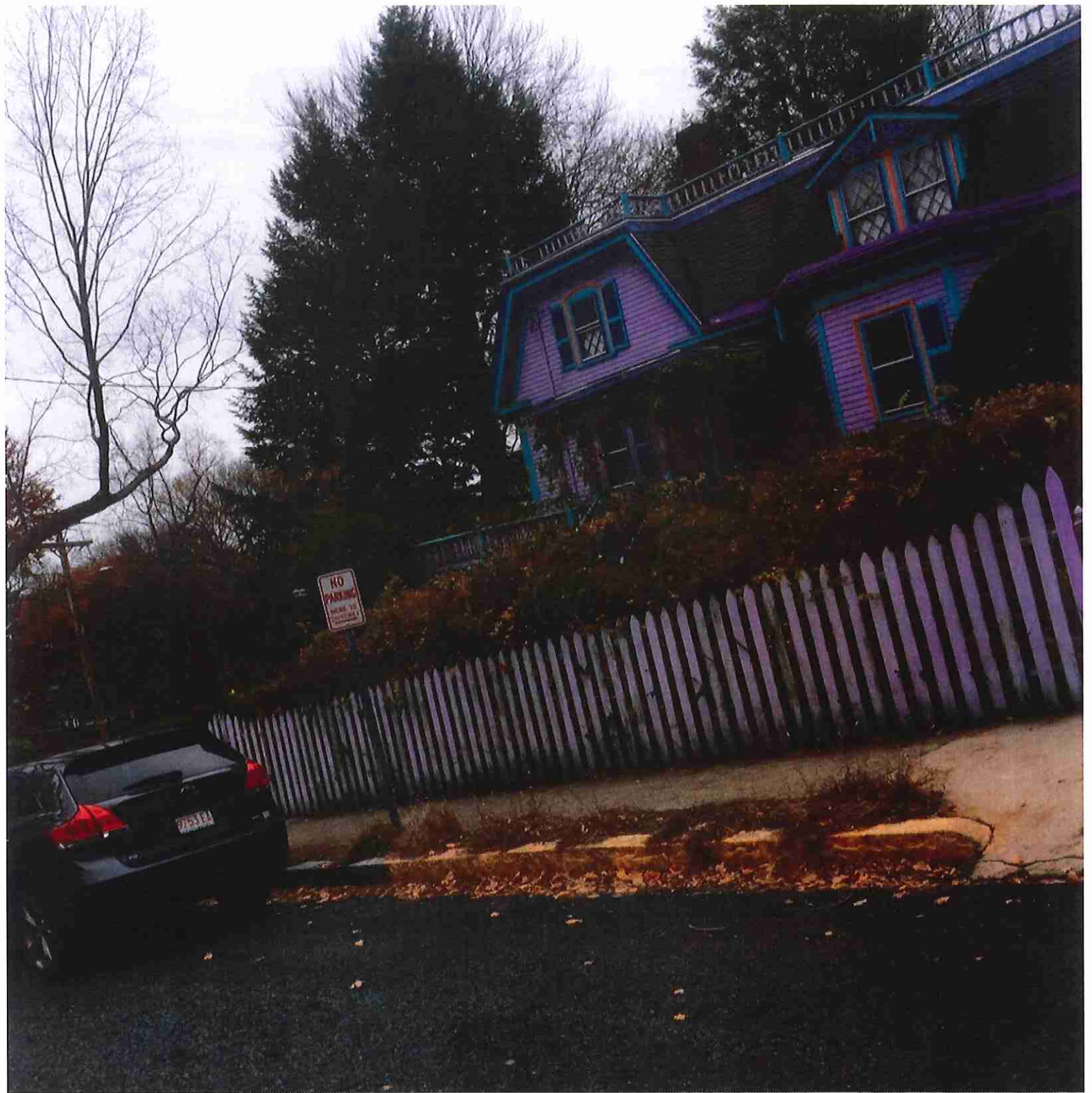
Rebecca and Doug Perlo

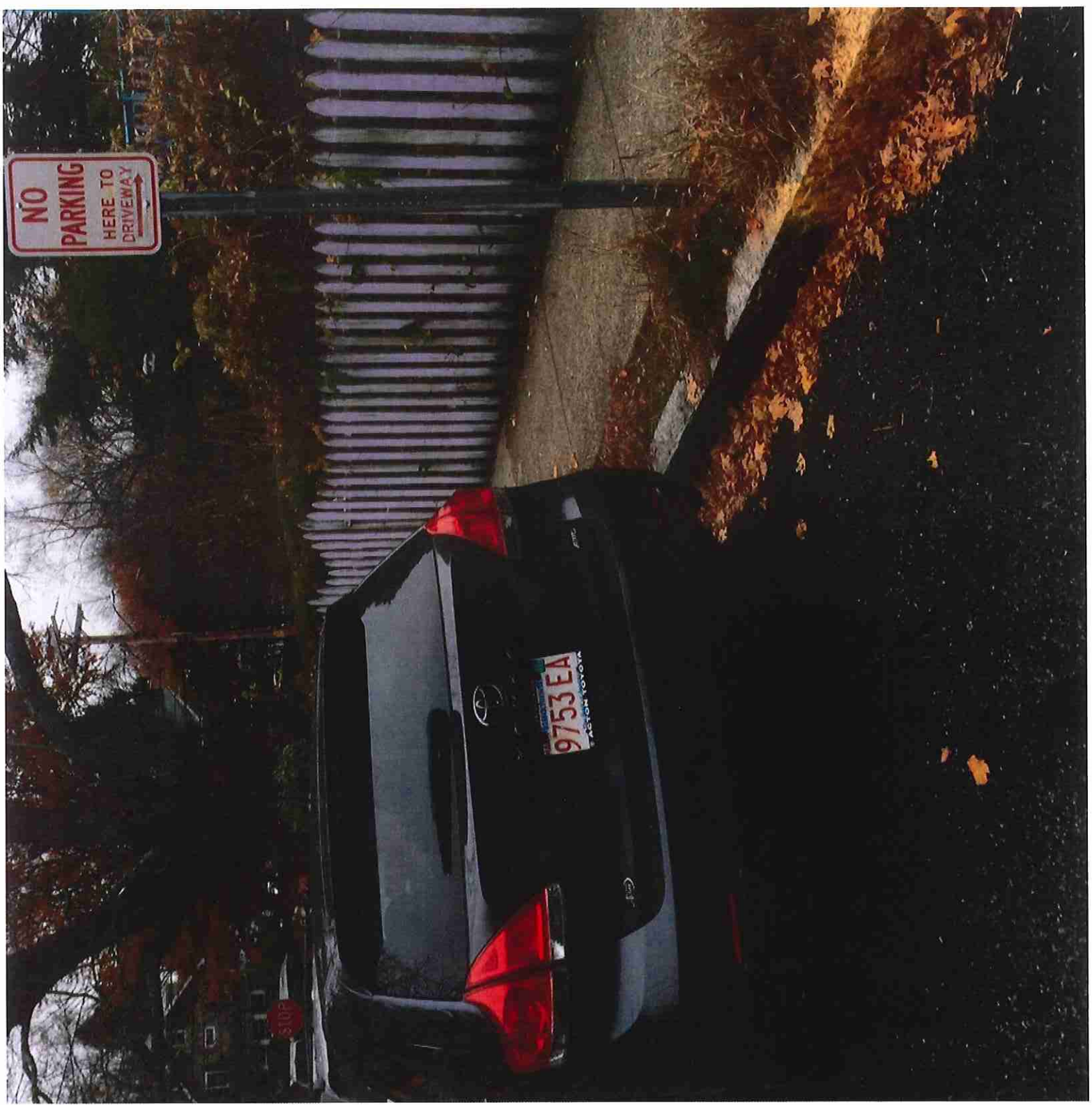
40 Irving St

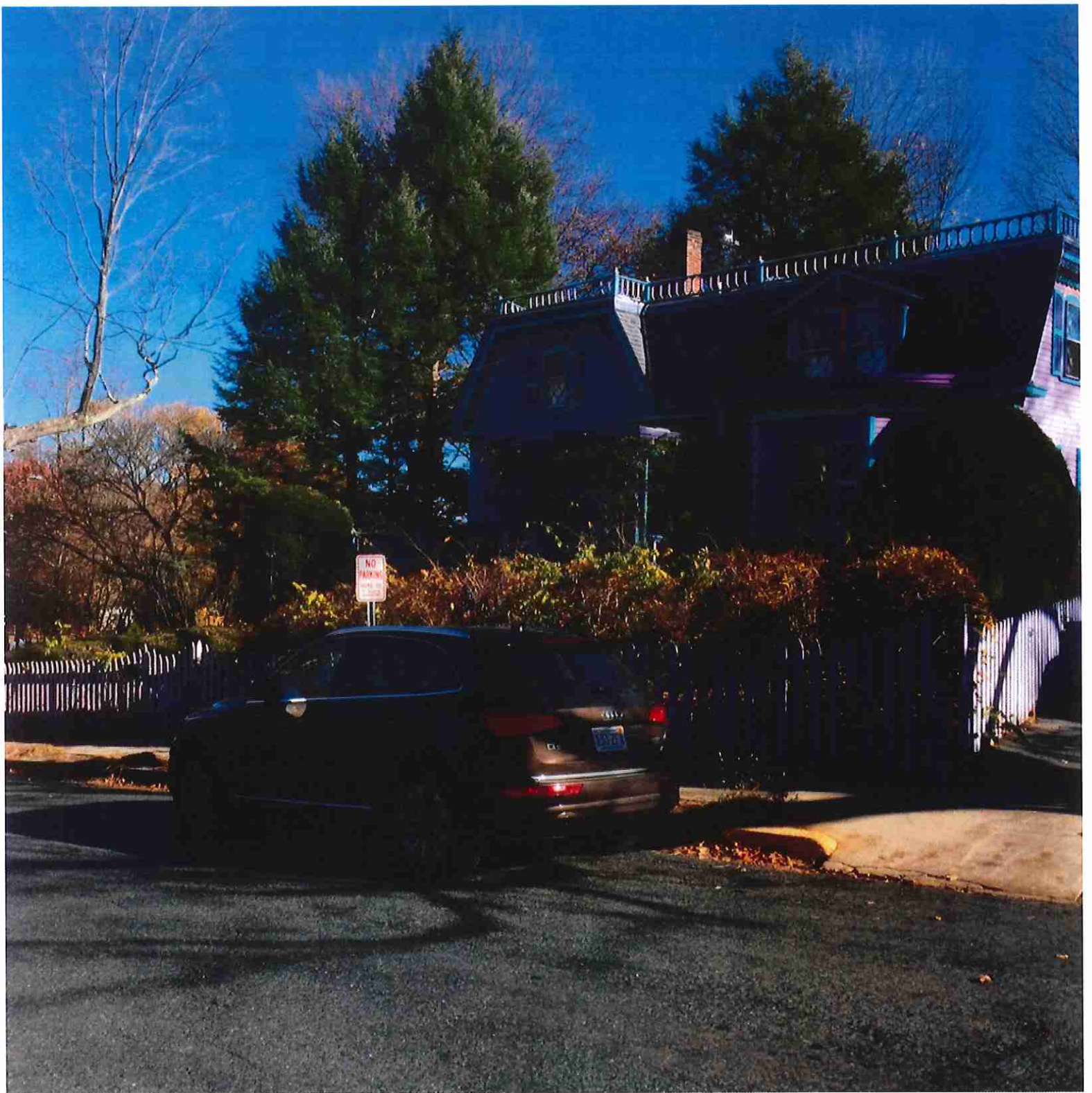
doug@perlo.net

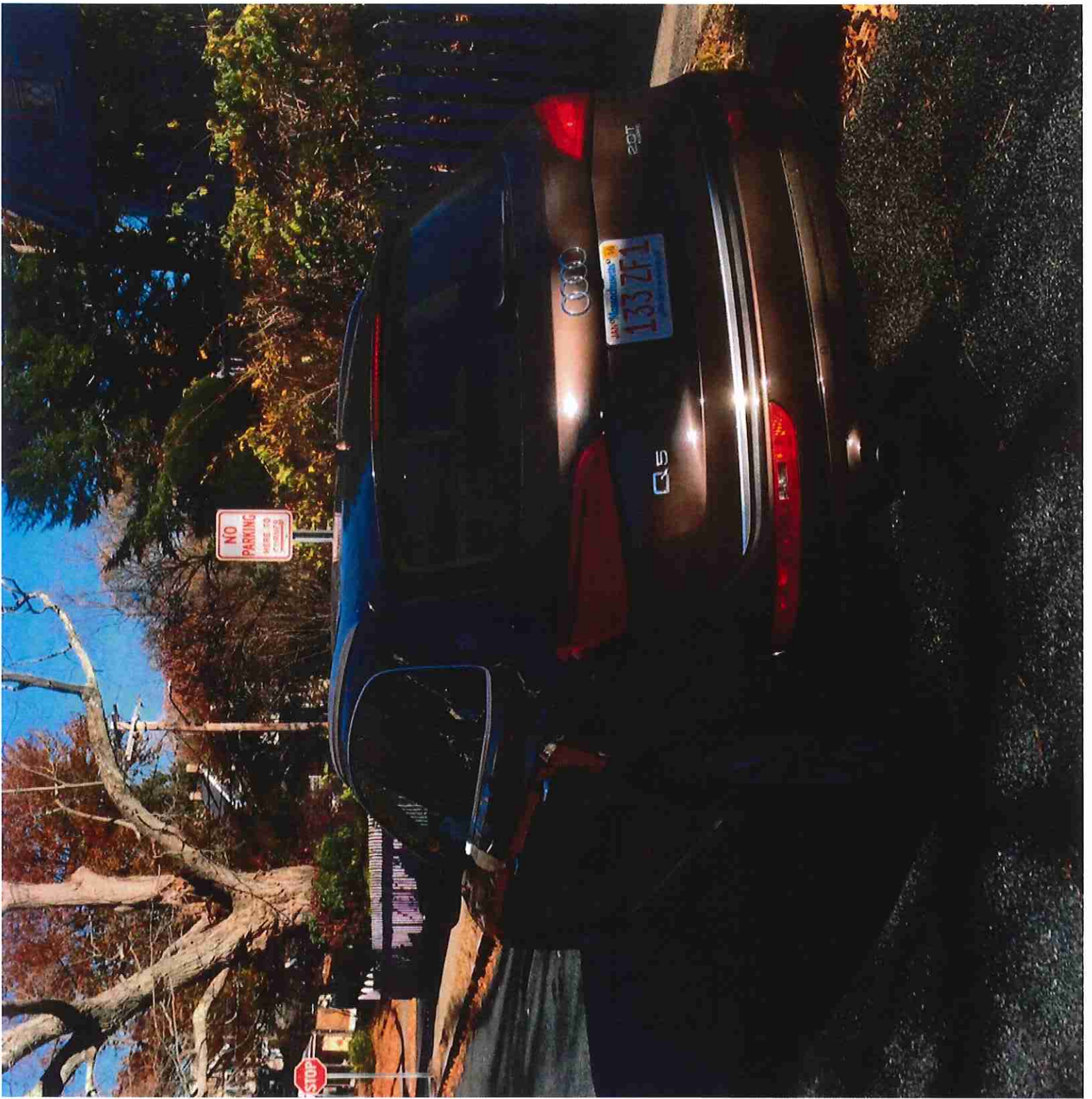
617 835 7584











TOWN OF ARLINGTON
BOARD OF SELECTMEN

Meeting Agenda
Monday, March 18, 1996
7:15 p.m.

Article 23 - Bylaw Amendment/Human Rights Commission

Chairman moved no action.

SO VOTED

Article 38 - Authorization to Enter Agreement/North East Solid Waste Committee

Chairman moved to table.

SO VOTED

Article 44 - Recoup Consultant Fees/Conservation Commission

Moved to table.

SO VOTED

Article 49 - Revolving Fund/Fox Library

Moved to approve.

SO VOTED

Article 50 - Revolving Fund/Private Way Repair

Moved to approve.

SO VOTED

Article 51 - Revolving Fund/Public Way Repair

Moved to approve.

SO VOTED

Article 53 - Education Reform

Article 54 - Special Education

Article 57 - Pension Adjustment for Retirees

Chairman moved to table above three articles.

SO VOTED

WARRANT ARTICLE FINAL VOTES AND COMMENTS

Article 15 - Contract Language/Female Percent of Work Force

Article 16 - Contract Language/Equal Opportunity

Article 24 - Bylaw Recodification Committee

Moved to approve above three articles.

SO VOTED

CITIZENS OPEN FORUM

A Mr. Paul Harrington expressed that he would like resolution over the ownership responsibility of a phone box on Washington Street. The Manager had conversations with Boston Edison about said matter. Mr. Harrington was referred to the Town Counsel for meeting.

A Ms. Boren of Irving Street came forth with photographs of her street to show evidence of a dangerous situation. Ms. Boren's request to have a no parking sign at the end of her street was declined by the Chief of Police. Ms. Boren indicated that she had another conversation with the Director of Police services later in which he indicated he would reverse his decision to deny the sign. The Manager indicated that he had experienced difficulty when driving in this area previously. The Chairman moved to amend the traffic rules by placing a no parking sign on the right side Ravine Street to the corner of Irving Street. Voted unanimously.

Section 1.

GENERAL PROHIBITIONS: No person shall stand or park or allow, permit, or suffer any vehicle registered in his name to stand or park in any of the following places:

- (a) Within an intersection, except in those areas where the erection or installation of parking meters has been approved by the Department of Public Works of the Commonwealth of Massachusetts.
- (b) Upon any sidewalk.
- (c) Upon any crosswalk.
- (d) Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle (or both wheels on the curb side of the vehicle on a one-way street and headed in the direction of travel) are within twelve (12) inches of the curb or edge of the roadway. This shall not apply to such locations where angle parking is permitted by these Rules and Orders.
- (e) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- (f) Upon any street or highway within ten (10) feet of a fire hydrant.
- (g) In front of any private road or driveway or within three (3) feet on either side thereof, moreover on the opposite side of any driveway in such a manner as to inhibit the entry or departure from same.
- (h) On a bridge or viaduct, provided signs are erected acquainting the operator of such regulation or restriction.
- (i) On the roadway side of any vehicle stopped or parked at the edge of curb of a street (double parking).
- (j) Within fifteen (15) feet of the way or driveway of a fire station or directly across the street from such fire station provided signs are erected acquainting the operator of such regulation or restriction.
- (k) Alongside or opposite any street excavation or obstruction, when such stopping, standing or parking would obstruct traffic.
- (l) At a bus stop, designated by a pole as a stopping place for busses within ten (10) feet measured along the outside edge of the sidewalk; or at a bus stop within the limits of official signs designating the limit of the bus stop at the curb or at the edge of the sidewalk.

- (m) Upon any roadway in such a manner as to obstruct the movement of any buses.
- (n) Adjacent to the center division strip or island placed upon and being part of any public way.
- (o) Upon any street or highway within twenty (20) feet of any intersecting way, except alleys.
- (p) Within a crossover.
- (q) Within fifty (50) feet of a traffic signal device provided signs are erected to notify of such regulation or restriction.
- (r) On any way in such a manner so as to interfere with the removal or plowing of snow, or removal of ice.

From: "Wayne Chouinard" <WChouinard@town.arlington.ma.us>
To: "Douglas Perlo" <doug@perlo.net>
Cc: "Corey Rateau" <CRateau@town.arlington.ma.us>, "Dan Warren" <dwarren@town.arlington.ma.us>, "Fran Reidy" <FREidy@town.arlington.ma.us>
Date: 11/19/2015 07:04 PM
Subject: Re: 40 Irving St No Parking Signs

Doug,

I am not sure the intent of the Selectmen's letter ever meant to include the word "driveway". From what I have been able to understand from our discussion is that the "driveway" lettering and the arrow pointing to your driveway were added by you.

I do not believe this sign ever had any validity. The sign approved by the Selectmen was/is an approved sign under MUTCD; Manual on Uniform Traffic Control Devices and the location is set based on local traffic & parking ordinances which is why it was never near your driveway.

The sign is not required in order to enforce parking within 20 feet of the Ravine/Irving intersection, but was allowed to be installed by the Selectmen at your request to reinforce the requirement due to the heavy parking usage observed at the time. If you would like to request anything different than what was specifically stated in the approval letter you will need to request this from the Selectmen. I would suggest a sketch with location/dimensions as well as the specific wording. Otherwise the sign shop cannot install it.

Wayne

From: "Corey Rateau" <CRateau@town.arlington.ma.us>
To: "Dan Warren" <DWarren@town.arlington.ma.us>, "MaryAnn Sullivan" <MSullivan@town.arlington.ma.us>
Cc: "Michael Rademacher" <MRademacher@town.arlington.ma.us>, "Paul Conroy" <PConroy@town.arlington.ma.us>, "Sean Kiernan" <SKiernan@town.arlington.ma.us>
Date: 12/05/2014 12:48 PM
Subject: Re: Irving at Ravine

Marry Ann,

I took a look at the sign. I think the wording on the sign is fine (it utilizes standard MUTCD wording), is the same standard that is used throughout town, and unlike whatever was there before, it directly reflects the language in the Selectmen's approval meeting notes. However, I do think that the original location of the sign would be more effective at maintaining the open corner. Also, the placement of the bottom of the sign is somewhat high (approximately 10 feet) and I feel if lowered somewhere closer to the minimum height requirement of 7 feet, perspicuity will be increased.

I spoke to Dan and he stated that he would have the crew take care of those changes. Once those changes are made, I don't see the need for any more.

Officer Corey P. Rateau
Arlington Police Department
Traffic and Parking Unit
(781)-316-3944 (Office) **NOTE NEW NUMBER**
(781)-316-3933 (Fax)
Email: CRateau@town.arlington.ma.us

-----Original Message-----

From: "Dan Warren" <DWarren@town.arlington.ma.us>

To: "MaryAnn Sullivan" <MSullivan@town.arlington.ma.us>, "Corey Rateau" <CRateau@town.arlington.ma.us>

Cc: "Michael Rademacher" <MRademacher@town.arlington.ma.us>

Date: Wed, 03 Dec 2014 06:56:44 -0500

Subject: Irving at Ravine

Maryann,

I've been going back and fourth with Doug Perlo (Purple house on the corner of Irving and Ravine)
The original sign that was taken down was a no parking sign with a home made arrow and some stick on mailbox letters from the hardware store.

The new sign we put up in it's place is a no parking here to corner sign that we moved closer to his driveway corner so no one can park next to his driveway.

This sign serves several purposes:

1. The no Parking Here to Corner sign is now the standard we use in place of that homemade sign and is consistent with around town.
2. The new placement of the No Parking Here To Corner sign does away with the need of the old homemade sign and by moving it closer to his driveway, does not allow a car to park on his driveway corner which was the intent of the original homemade sign.
3. The one sign and style is more in line with what we put out elsewhere in town and other than being more than 10 feet from the apex of the corner is basically the same set up. It is now one sign instead of two three feet apart saying basically the same thing.

Daniel E. Warren Jr.

Arlington Public Works

Highway Supervisor

Office: (781) 316-3318



Town of Arlington, Massachusetts

For Review and Endorsement: Revised Community Benefit Agreement for RMD

Summary:

Douglas W. Heim, Town Counsel

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Memo_from_Town_Counsel_RE_Revised_Community_Benefit_Agreement.docx	Memo D.Heim Arlington Community Benefit Agreement Attachment
<input type="checkbox"/> Reference Material	MPF_-_Arlington_Community_Benefit_Agreement_Revised_for_BOS.docx	MPF-Arlington Community Benefit Agreement Revised



Town of Arlington Legal Department

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager
Christine Bongiorno, Director of Health & Human Services
Fred Ryan, Police Chief
Michael Byrne, Building Inspector

From: Douglas W. Heim, Town Counsel

Date: March 31, 2016

Re: Revised Community Benefit Agreement

As Members of the Board will recall, the Board previously voted to submit a letter of non-opposition to the Department of Public Health regarding potential Registered Marijuana Dispensary applicant, the Massachusetts Patient Foundation, Inc. ("MPH"), *contingent* on the finalization of an acceptable Community Benefit Agreement with MPH. Specifically, Members of the Board wished to add provisions clearly affording Arlington access to appropriate MPH financial data. Accordingly, this Office and MPH negotiated the inclusion of two additional provisions, paragraphs "5" and "6" which ensure the Town will receive annual certifications of gross sales as well as all the financial records MPH is required to submit to DPH in addition to agreeing to maintain appropriate data for at least seven (7) years.

Accordingly, the revised Community Benefit Agreement is attached for your review and endorsement.

HOST COMMUNITY AGREEMENT
ARLINGTON, MA
MASSACHUSETTS PATIENT FOUNDATION, INC.

THIS HOST COMMUNITY AGREEMENT (“Agreement”) is entered into pursuant to M.G.L. ch.44, §53A this _____ day of April 2016 by and between MASSACHUSETTS PATIENT FOUNDATION, INC. a Massachusetts not-for-profit corporation with a principal office address of 36 Glen Ave., Newton, MA 02059 (“OPERATOR”) and the TOWN OF ARLINGTON, a Massachusetts municipal corporation with a principal address of 730 Mass Ave., Arlington, MA 02476 (“TOWN”).

WHEREAS OPERATOR wishes to locate a Registered Marijuana Dispensary dispensing facility (“RMD”) in the TOWN, in accordance with regulations issued by the Commonwealth of Massachusetts Department of Public Health (“DPH”);

WHEREAS OPERATOR intends to provide certain benefits to the TOWN by way of gift or grant in the event that it receives a Final Certificate of Registration to operate a RMD in the TOWN by the DPH;

WHEREAS OPERATOR has applied for a certificate of registration from the DPH to operate the RMD in the TOWN at 5-11 Water St., Arlington, MA 02476 (the “Facility”); and

WHEREAS OPERATOR is seeking a letter of support/non-opposition from the TOWN for the siting and operation of an RMD in the TOWN.

NOW, THEREFORE, in consideration of the above, OPERATOR offers and the TOWN accepts the following Agreement terms in accordance with M.G.L. ch.44 §53A:

1. OPERATOR shall pay to the TOWN 3% of the gross revenue received by OPERATOR from retail sales at the Facility accruing from the date of commencement of sales by OPERATOR in the TOWN (“Sales Commencement Date”). The initial payment to the TOWN shall be made on the first day of the seventh month after the Sales Commencement Date (“Initial Payment Date”), and shall reflect gross revenue for the first quarter of sales. Thereafter payments shall be made every six months, and shall reflect the subsequent six month’s sales,

with the final three months payment remaining unpaid until three months after the termination of this Agreement. OPERATOR shall notify the TOWN when OPERATOR commences dispensing within the TOWN. OPERATOR's records maintained pursuant to 105 CMR 725.105(I)(5) will be available to the TOWN upon request to verify OPERATOR's payment amounts. The TOWN may notify OPERATOR to delay the initial payment, in which case the initial payment shall be made as specified by the TOWN; however, the timing of subsequent payments shall be made as if the initial payment had been on the Initial Payment Date.

2. OPERATOR shall make a one-time payment to TOWN of \$100,000.00 within one week of the Sales Commencement Date, and the TOWN shall credit OPERATOR \$100,000.00 against OPERATOR's biannual payments.
3. OPERATOR shall work with the Arlington Police Department in determining the placement of exterior security cameras, so that at least two cameras are located to provide an unobstructed view in each direction of the public way(s) on which the RMD is located. OPERATOR will maintain a cooperative relationship with the Arlington Police Department, including but not limited to periodic meetings to review operational concerns, cooperation in investigations, and communication to Arlington Police Department of any suspicious activities on the site.
4. Except for senior management positions, OPERATOR commits to hiring local, qualified employees to the extent consistent with law. In addition to the direct hiring, OPERATOR will work in a good faith, legal and non-discriminatory manner to hire local vendors, suppliers, contractors and builders from the Arlington area where possible.
5. The OPERATOR shall submit at least annual financial records to the Town on or before January 15 of each calendar year, with a certification of the Gross Sales for the respective year. The OPERATOR shall also submit to the Town copies of any additional financial records that the OPERATOR is required to submit to DPH.

6. The OPERATOR shall maintain its books, financial records, and other compilations of data pertaining to the requirements of this Agreement in accordance with standard accounting practices and any applicable regulations or guidelines of the DPH. All records shall be kept for a period of at least seven (7) years.
7. OPERATOR shall cooperate fully with the TOWN to prevent “Hardship Cultivation Registrations” as defined by 105 CMR 725.104 & 105 CMR 725.035, including but not limited to OPERATOR’s commitment to delivering to residents of the TOWN unless such deliveries are prevented by circumstances outside of the OPERATOR’s control.
8. The purpose of this Agreement is to assist the TOWN in addressing any public health, safety and other effects or impacts the RMD may have on the TOWN. The TOWN shall use the above-referenced payments in its sole discretion consistent with the purpose of the Agreement.
9. This Agreement shall terminate at the time that either of the following occur:
 - a. the TOWN notifies OPERATOR of the TOWN’s termination of this Agreement;
 - b. OPERATOR ceases to operate a RMD in the TOWN
10. The obligations of OPERATOR and the TOWN recited herein are specifically contingent upon the issuance by DPH to OPERATOR of a Final Certificate of Registration for the operation of a RMD facility in the TOWN, and OPERATOR obtaining all required approvals from the TOWN for the OPERATOR to serve patients and caregivers from the Facility in Town.
11. OPERATOR shall not assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the TOWN and shall not assign any of the moneys payable under this Agreement, except with the written consent of the TOWN, provided, however, that a pledge or assignment of assets, profits or receivables required in connection

- with financing the business by OPERATOR shall not be considered an assignment for the purposes of this paragraph.
12. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the TOWN nor OPERATOR shall assign or transfer any interest in the Agreement without the written consent of the other.
13. OPERATOR shall comply with all laws, rules, regulations and orders applicable to the operation of an RMD, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required for the operation of an RMD.
14. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service, or if sent by private overnight or other delivery service, when deposited with such delivery service.
15. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
16. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and OPERATOR submits to the jurisdiction of the Trial Court for Middlesex County for the adjudication of disputes arising out of this Agreement.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

17. This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated Agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

TOWN OF ARLINGTON, BOARD OF
SELECTMEN OR TOWN MANAGER:

MASSACHUSETTS PATIENT
FOUNDATION INC.

By: _____

Title: _____



Town of Arlington, Massachusetts

Presentation: CPA Funds Draft Recommendations

Summary:

Clarissa Rowe, Chair CPA Committee

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	CPA_BOS__04_04_16_(1).pdf	CPA Funds Draft Recommendations
▢ Reference Material	CPA_AHA_.pdf	Arlington Housing Authority funding request



Arlington Community Preservation Act for Fiscal 2017
Board of Selectman Presentation 4/04/16

CPA Committee

Five of the members representing relevant boards and commissions are mandated by the CPA legislation. Four additional committee members were chosen by a six-person selection committee appointed by the Town Manager and the Board of Selectmen.

Brief bios of the committee members are at the end of your packet

Clarissa Rowe, Chair
Selectmen Appointee

Eric Helmuth, Vice Chair
Selectmen Appointee

Chuck Tirone
Conservation Commission Designee

Leslie Mayer
Park & Recreation Commission Designee

JoAnn Robinson
Historic Commission Designee

Michael Cayer
Redevelopment Board Designee

Andrew Bengtson
Selectmen Appointee

Richard Murray
Housing Authority Designee

David Levy
Selectmen Appointee

Why are we here tonight?

- Per the Community Preservation Committee Bylaw, we are tasked with consulting with the Board of Selectmen, the Finance Committee, and the Capital Planning Committee about our budget and project recommendations.
- This year is a special year (and frankly, not one we want to repeat) The Committee was appointed in late October, and started work in early November. We've had five months to complete our work instead of the standard twelve months, and look forward to consulting with the Board much earlier in the process next year.
- Before we could start our work, we had to set up procedures, devise an application process, and write the first draft of a Community Preservation Plan.
- We only started accepting project applications at the end of February.
- We are proud of the care that we have taken in the process, the standards that we have set, and the commitments to the Community that we have made.
- **Most importantly**, the nine members of the CPA Committee take their responsibility as fiscal stewards of the public's money very seriously.

Basics of CPA



**Historic
Preservation**



**Open Space &
Recreation**



**Community
Housing**



The work of the CPA Committee

We hold annual public meetings to discuss the community needs and priorities for CPA.

We create and annually update a Community Preservation Plan, for approval by Town Meeting.

We track the local and state receipts for the Arlington CPA fund, with Michael Morse of the Treasurer's Office.

We receive applications for community preservation projects. We've developed a two step application process for community preservation projects: (This year that process has been truncated)

- We screen preliminary project applications for CPA eligibility under the law
- We comment on the completeness of the applications and forward any requirements to meet the grant requirements for the Town. (e.g., is there an affordable housing restriction on the property in perpetuity? Is there a historic preservation restriction in place for the property? Is the public benefit demonstrated?)
- We receive the full applications and perform extensive due diligence to evaluate feasibility, sustainability, and other merits.
- We arrange public presentations for each potential project for funding.

We consult with the Board of Selectman, Finance Committee, Capital Planning Committee and other town bodies about our proposed recommendations.

We vote on each project, each reserve fund, and administrative expense reserves to recommend to Town Meeting for action. We prepare a formal report to Town Meeting containing the main motions (recommended votes) for CPA funding articles.

We oversee Community Preservation projects throughout their duration. We require a summary report at the end of the project.

How do CPA Projects Happen?

Project applicants submit projects to Community Preservation Committee (CPC)



CPC reviews projects, gets input from FinCom, Capital Planning, BoS



CPC recommends budget & projects to Town Meeting



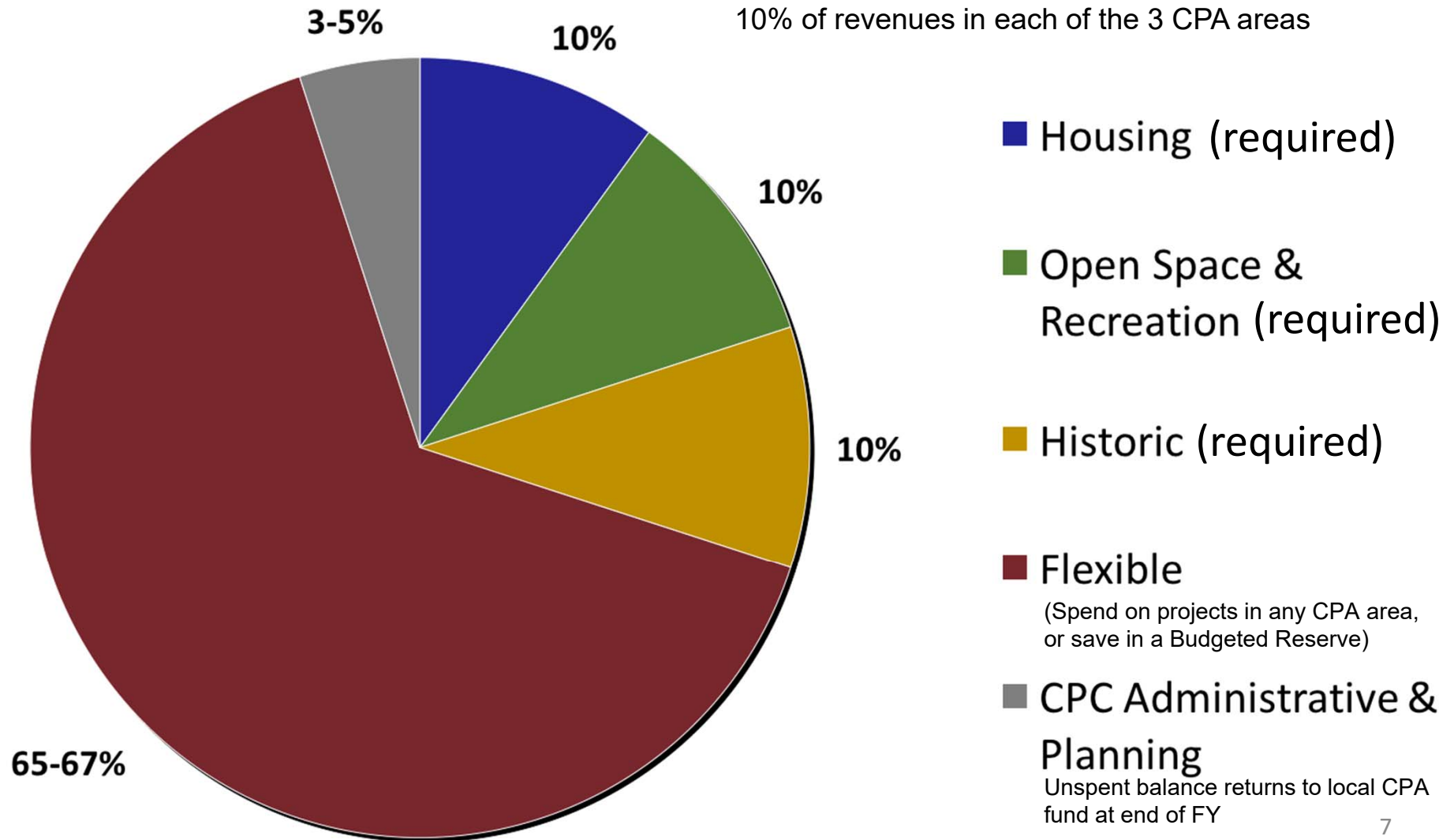
Majority vote of Town Meeting required for each project

Town Meeting actions are limited

- Approve recommendations of CPA committee
- Reject recommendations
- Reduce amount recommended
- Reserve amount recommended to applicable reserve account, rather than approving the project (rarely used)

Annual CPA Spending

Per the CPA law, the Town must spend or reserve 10% of revenues in each of the 3 CPA areas



CPA Projected Revenues for FY2017			
Funding Source	Verified By Entity	Actual Numbers	Town Meeting Vote
Arlington Receipts Projected for FY 2017 (based on FY2016 collections)	Mike Morse, Treasurer's Office	\$1,364,286.58	\$1,300,000
State Match, to be received in November 2017	Department of Revenue advises towns and cities to estimate the match at 19%	Determined in November 2016 for FY2017	\$247,000
Governor's Budget includes another \$10 million for the CPA fund	Released in January but will be determined over the summer	Another approximately \$200,000 +/-	\$0
TOTAL			\$1,547,000

- **There is no state match** on the first year of CPA (FY2016)
- **FY2016 CPA revenues** (est. \$1.3m) cannot be appropriated until after the Town closes the books on FY2016.
- **All current recommendations** are for appropriations and reserves from projected FY2017 revenue.

Recommended CPA Projects for FY2017* (Proposed)			
Project Name	Submitted By	Total Funds Requested	Comments
Robbins Farm Park Field and ADA Renovation Project	Town of Arlington Park and Recreation Commission	\$636,749	Project will not require CPC funding
Spy Pond Edge Protection and Erosion Control	Town of Arlington Conservation Commission	\$49,760	Community benefit for pond abutters
Kimball Farmer House	Housing Corporation of Arlington	\$200,000	Last construction before C. of O. Three units
Arlington Housing Authority - Drake Village Windows	Arlington Housing Authority	\$200,000	Leverages state funds of \$1.4 million
Stabilization of the Whittemore Robbins Carriage House	Town of Arlington and Arlington Historical Commission	\$289,000	
TOTAL		\$1,375,509	

* Selected from 9 CPA project applications requesting a total of \$2,785,978

FY2017 CPA Budget Summary (proposed)

REVENUES

Local receipts	\$1,300,000	
State matching funds	\$247,000	
TOTAL REVENUES		\$1,547,000

EXPENDITURES AND RESERVES

CPA Projects

Robbins Farm Park Field and ADA Renovation	\$636,749	
Spy Pond Edge Protection and Erosion Control	\$49,760	
Kimball Farmer House (Housing Corporation of Arlington)	\$200,000	
Arlington Housing Authority - Drake Village windows	\$200,000	
Whittemore Robbins Carriage House - rehabilitation	\$289,000	
SUBTOTAL	\$1,375,509	

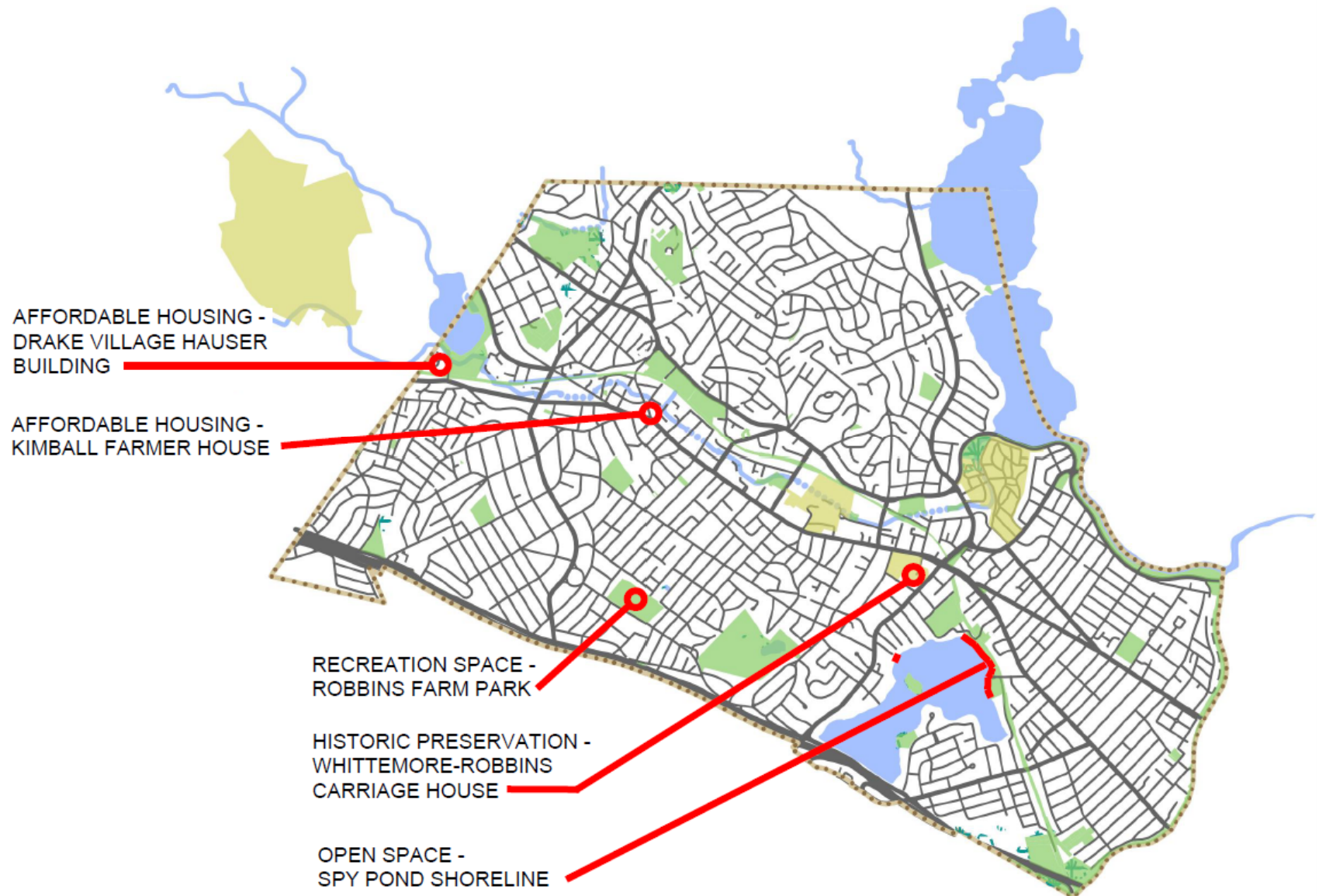
Reserves & Expenses ¹

CPA budgeted reserve account	\$94,141	
Administrative expenses reserve account	\$77,350	
SUBTOTAL	\$171,491	

TOTAL EXPENDITURES AND RESERVES		\$1,547,000
--	--	--------------------

¹ CPA budgeted reserve funds are available for later FY2017 appropriation by Town Meeting to CPA projects. Unspent administrative expenses reserve account funds are returned to the local Community Preservation Fund at the end of the fiscal year for future CPA projects.

Proposed FY2017 CPA Projects



Spy Pond Edge & Erosion Control

Applicant: Town of Arlington Conservation Commission | **Category:** Open Space | **Amount requested:** \$49,760

PROJECT SUMMARY:

The Town of Arlington Conservation Commission and its partners wish to conduct a feasibility study to identify shoreline preservation alternatives and mitigate erosion on select portions of public shoreline along the edge of Spy Pond.

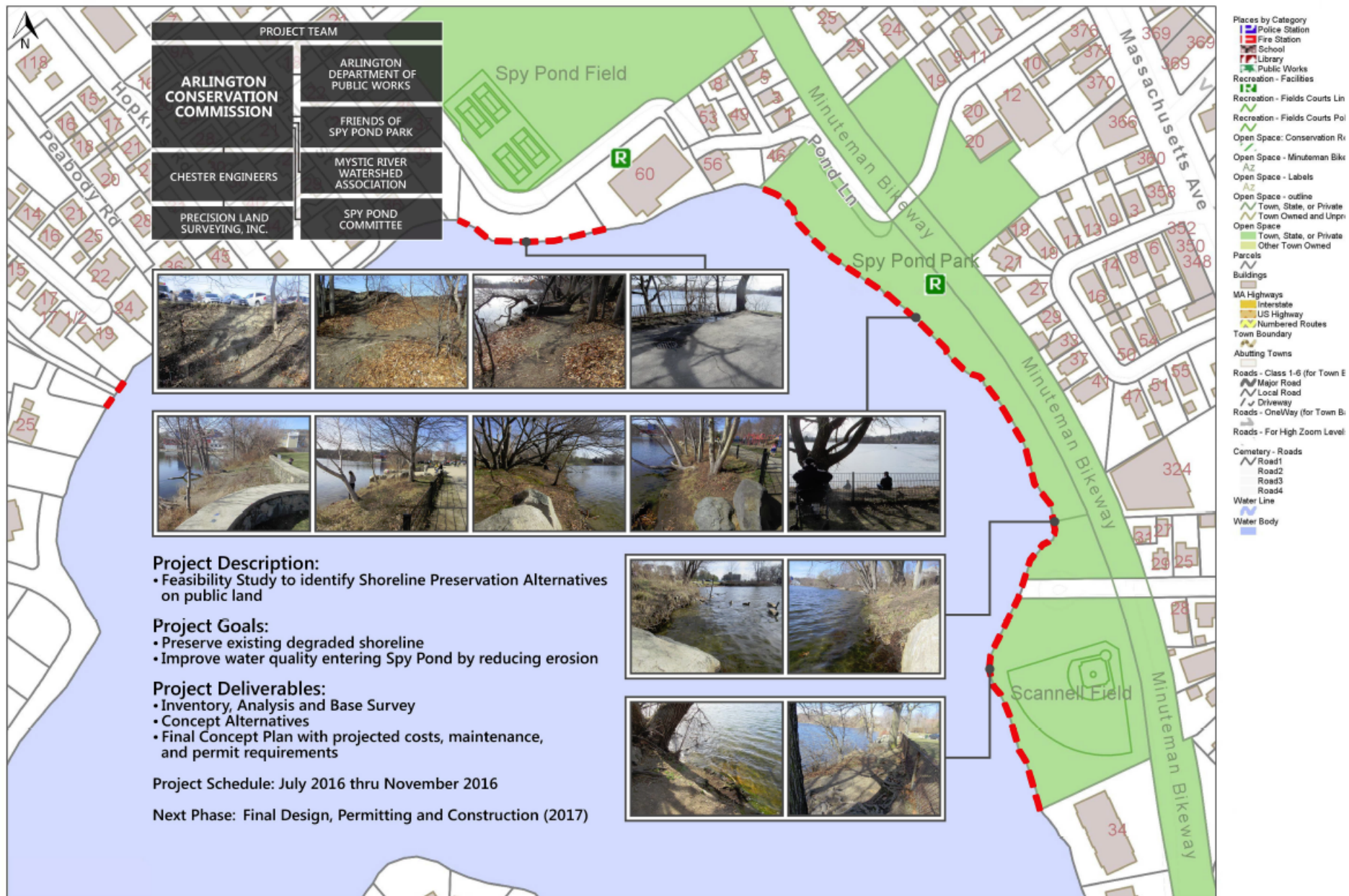
The proposed project will improve the ecological structure and function of Spy Pond's shoreline. Its goals are to:

1. Preserve water quality entering Spy Pond by identifying sources of erosion and reducing erosion;
2. Preserve, stabilize and strengthen the pond's banks and water edges to sustain and enhance the pond's ecological health;
3. Protect and enhance wildlife habitat by protecting the pond's natural edges with soft armoring (bioengineering);
4. Increase storm water infiltration along the shoreline;
5. Promote public education on shoreline stabilization and erosion control at other properties along Spy Pond.

Primary deliverables of this feasibility study:

1. Create a baseline characterization of existing conditions at the project areas;
2. Develop concept alternatives based on rehabilitation/ preservation and erosion control and select a preferred alternative with costs and a permitting schedule;
3. Assist the Town and its partners in obtaining funding through grants and other sources of funding.

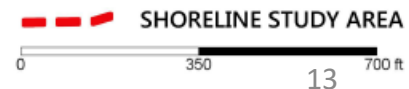
(See map and photos, next page)



SPY POND EDGE PROTECTION & EROSION CONTROL PROJECT

APPLICANT: TOWN OF ARLINGTON CONSERVATION COMMISSION

MARCH 2016



Drake Village Window Replacement

Applicant: Arlington Housing Authority | **Amount requested:** \$200,000 | **Category:** Affordable Housing

Summary This project leverages \$200,000 in CPA funding, along with additional funding from CDBG, to qualify for an additional \$1.4 million from the Department of Housing and Community Development's High Leverage Asset Preservation Program (HILAPP). The HILAPP program leverages the financial support that housing authorities receive from their municipalities, granting one dollar for every thirty cents of local funding secured.

The CPA funds will cover the portion of a larger rehabilitation project that replaces the windows in the Hauser building, which that are leaking and causing damage to interior walls. Work will be completed this construction season at a total cost \$1.8 million (70% of which is leveraged matching funds thanks to CPA and CDBG).



Water damage at jambs and sills at interiors of two apartments



Kimball Farmer House

Applicant: Housing Corporation of Arlington | **Category:** Community House & Historic Preservation
Amount requested: \$200,000

Summary: The Housing Corporation of Arlington (HCA) is requesting \$200,000 to help create three units of affordable rental housing as part of the historical restoration of the Kimball Farmer House on Massachusetts Avenue in Arlington Heights. Located on the corner of Massachusetts Avenue and Forest Street, the Kimball Farmer House was originally built in 1826 as a single family home. The structure is listed both in the Massachusetts Historical Commission's inventory of historic properties and on the National Register of Historic Places.

HCA is substantially renovating the existing structure including the deleading of all surfaces and the preservation of historical details to meet the U.S. Department of the Interior standards. All major building systems will be upgraded including roofs, windows and heating and cooling equipment. Apartments will also benefit from new kitchen and bathrooms, and one unit will be designed to be fully accessible to individuals with a mobility disability.

The estimated total development cost for this project is \$1,437,143, or \$479,047/unit. Information on budget line items is available upon request. All project sources are committed to the project with the exception of Arlington CPA funding.

HCA purchased the property in September of 2014 and renovations are approximately 50% complete. The project is scheduled to be completed in the summer of 2016 and be 100% occupied by the fall of 2016. Zoning relief was granted by the Arlington Redevelopment Board on November 3, 2014.

Two of the new apartments will be offered to households earning up to 60% of AMI and one will be offered to households earning up to 50% of AMI. All units will be affordable in perpetuity and count towards Arlington's affordable housing inventory.



Whittemore-Robbins Carriage House

Applicant: Town of Arlington | **Amount requested:** \$289,000 | **Category:** Historic Preservation

Summary This project is collaboration of the Town of Arlington Dept. of Health and Human Services and the Arlington Historical Commission to address immediate structural and safety issues of the Carriage House, and also to preserve historic and aesthetic aspects of a building that is integral to the Whittemore-Robbins complex.

The current use of the Carriage House is storage to support the rental functions of the Whittemore-Robbins house (generating approximately \$50,000 in annual Town revenue). The proposed work would prevent further deterioration and preserve the building for its present use, and potential future uses, for the town. It is a first step to address critical issues; more work will need to be done as the town's needs for the building evolve.

The project will be jointly managed by the Dept. of Health and Human Services and the Arlington Historical Commission, with support from a project committee. All construction will meet the U. S. Secretary of the Interior's Standards for Rehabilitation and performed to professional standards



Rehabilitation of the Whittemore-Robbins Carriage House

Goal: Historic Preservation

Historical Significance

The Whittemore-Robbins Estate, including the Carriage House, was built in the early 1800s. In 1890, the buildings were moved to their present location to make space for the Robbins Library. In 1931, the Whittemore-Robbins Estate was given to the Town by the Robbins Family. In 1997, the Town of Arlington began renting the Whittemore-Robbins House for events. Revenue from events is used to maintain the facility. The Arlington Youth Counseling Center is housed in the Whittemore-Robbins House today.

Whittemore-Robbins Estate

One of the few remaining intact estates.



Carriage House

One of the few remaining stables in Arlington.

Robbins Family

Strong historical figures in Arlington.

Contributions include:

- Whittemore-Robbins Estate
- Robbins Library
- Town Hall and Gardens



State and National Register of Historic Properties

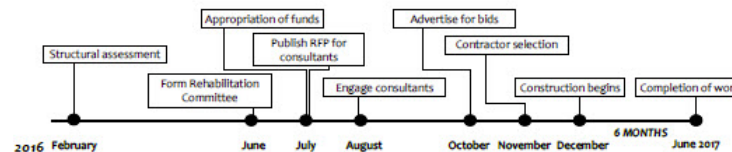


Building Rehabilitation

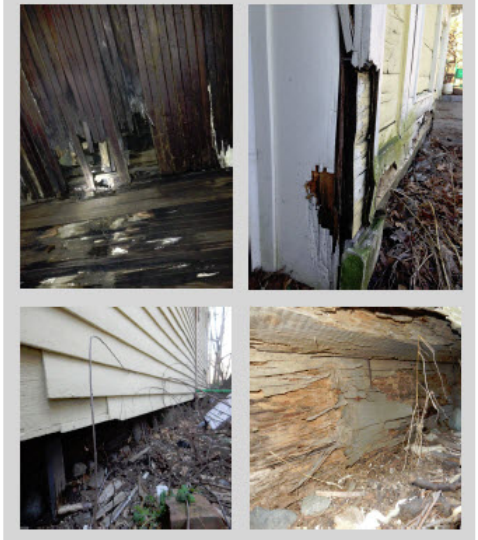
Per MacLeod Consulting Report dated 2/21/16, there are four major categories of repair:

- 1) Foundation repairs
- 2) Framing: shore beams, joists; replace rotted purlins
- 3) Make building weather tight: building envelope
- 4) Apply preservative treatment

Timeline



Current Conditions



Budget

Item	Cost
Construction	\$ 208,000
Engineering/Design	\$19,000
Owner Contingency	\$ 52,000
Preservation Consultant	\$ 10,000
Total Budget	\$ 289,000

Budget presented in preliminary report prepared by MacLeod Consulting

Town of Arlington
Department of Health and Human Services



Robbins Farm Park Field & ADA Renovation

Applicant: Arlington Park & Recreation Commission | **Amount requested:** \$636,749

Categories: Open Space and Recreation **Schedule:** Completion Spring/Summer 2017

Project management: Director of Recreation, Park & Recreation Commission, Stakeholders

Playing Fields Rehabilitation

- Baseball diamond & amenities improvements
- Soccer/lacrosse/multi-purpose field restoration (incl. irrigation)
- Hard surface sports court (basketball/skating)
- Improvements to accessibility

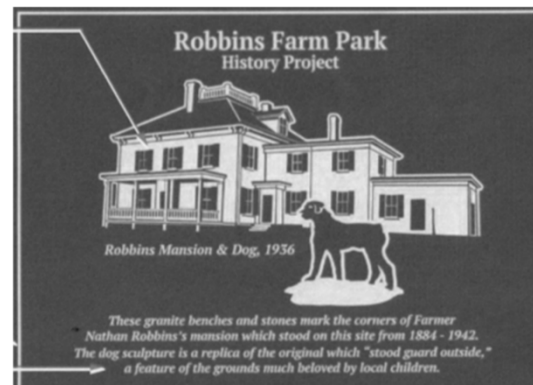


Est. Budget

\$594,974
(incl. \$44,600 ADA required
site improvements)

Statue & Historic Landmark Installation

- Reclaimed granite installed to mark location of former Robbins mansion foundation
- Bronze dog statue recreation
- Historic plaque
- Site work for installation & accessibility

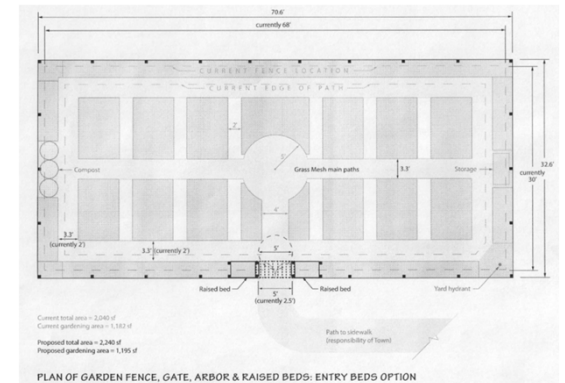


Est. Budget

\$38,700
(site work only – statue &
plaque funded by FoRFP)

Community Garden Improvements

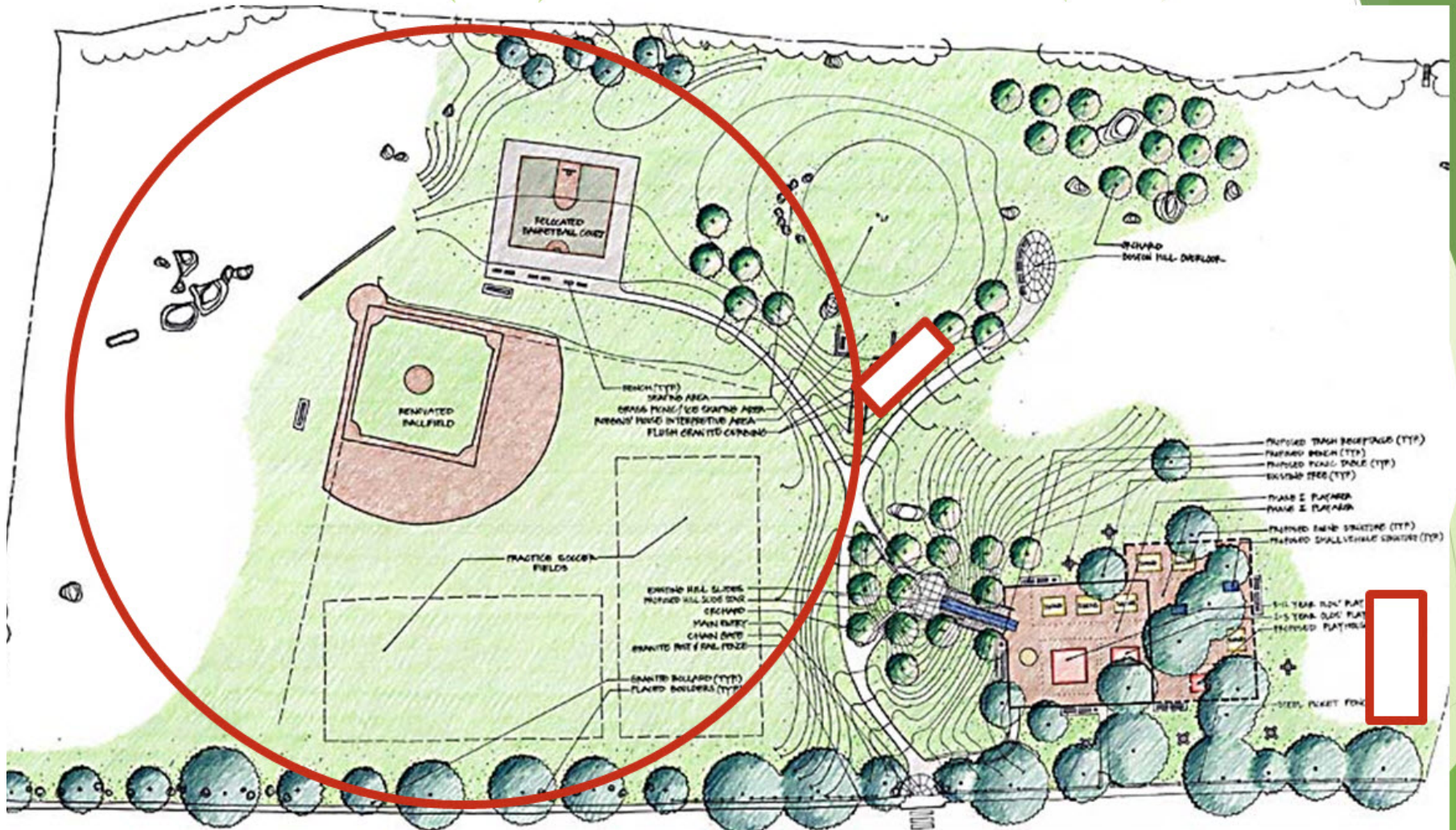
- Wider grass mesh interior pathways
- Addition of raised beds
- Improved fencing and entrance
- Accessible path to entrance



Est. Budget

\$3,075
(materials only – labor provided
by gardeners) 18

Robbins Farm Park (RFP) Renovation Master Plan (2002)



Phase 2 Areas of focus:
Playing fields rehab; Historic statue restoration; Community Gardens
improvements; ADA upgrades

Administrative Expenses Reserve

- **CPA committee can ask Town Meeting** to reserve up to 5% of estimated revenues for administrative and operating costs of the CPA committee (\$77,350 in FY2017).
- **Unspent balance** returned to undesignated local CPA fund at end of fiscal year – doesn't carry forward.
- **Covers any incoming CPA projects with a heavy burden** of due diligence or administrative oversight, using CPA vs. general town funds.
- **Protects the general town budget** from CPA committee expenses wherever possible (within CPA law).

Uses for Administrative Expenses Reserve

- **Professional help:** Appraisals, consultants, legal assistance for grant agreements, planning studies.
- **CPA Coalition Dues** (for technical assistance)
- **Administrative assistance** for the CPA committee
- **Due diligence** in vetting projects (e.g boundary or environmental surveys, title research, other legal)
- **Public outreach** (e.g. Newspaper ads for public hearings)
- **Misc. expenses** (e.g. reports, printing)

Chart 1
COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSES (G.L. c. 44B, § 5)

	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
DEFINITIONS (G.L. c. 44B, § 2)	Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town	Land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.	Housing for low and moderate income individuals and families, including low or moderate income seniors Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
ACQUISITION Obtain property interest by gift, purchase, devise, grant, rental, purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Yes	Yes	Yes	Yes
CREATION To bring into being or cause to exist. <i>Seideman v. City of Newton</i> , 452 Mass. 472 (2008)	Yes	X	Yes	Yes
PRESERVATION Protect personal or real property from injury, harm or destruction	Yes	Yes	Yes	Yes
SUPPORT Provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to entity that owns, operates or manages such housing, for the purpose of making housing affordable	X	X	X	Yes, includes funding for community's affordable housing trust
REHABILITATION AND RESTORATION Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties	Yes if acquired or created with CP funds	Yes	Yes	Yes if acquired or created with CP funds

CPA Committee Bios

Clarissa Rowe (Chair; Selectman Appointee) has been a registered landscape architect for over 36 years and, for the past 33 years, a founding principal at Brown, Richardson & Rowe, Inc., Landscape Architects and Planners in Boston. Clarissa's experience has included a variety of projects in both the public and private realms, including urban design and transportation, parks, waterfront parks, land reclamation, and historic preservation projects. During her tenure on the Arlington Board of Selectman from 2006 to 2012, Clarissa founded the Tourism and Economic Development Committee, co-chaired the successful 2011 Override campaign and was a leader in many community planning projects. She is also a long-time Town Meeting member. Clarissa is the past board chair of Preservation Massachusetts and the current board chair of the statewide Community Preservation Coalition, the technical organization that assists 160 Massachusetts communities vote to adopt and then implement the Massachusetts Community Preservation Act.

Eric Helmuth (Vice Chair; Selectman Appointee) has been a Town Meeting Member from Precinct 12 since 2010 and spearheaded the adoption of Electronic Voting in that body, serving as founding Chair of the Electronic Voting Committee from 2012 until its dissolution in 2015. He also serves on the Town Meeting Procedures Committee and the Information Technology Advisory Committee. In his ITAC capacity he worked extensively with the Town Manager's office on the redevelopment of the town website. He also led online communications for the 2011 Override campaign. Eric's professional career is in strategic digital communications for the nonprofit, health and political sectors. It has included senior consulting work in affordable housing, local government, and campaigns for state legislative office. He currently develops and markets web and mobile health interventions at Boston University School of Public Health.

Andrew Bengtson, AIA. (Selectman Appointee). Trained as an architect and urban designer, Andrew has over 10 years working as a registered architect in Massachusetts, primarily on commercial and higher-education buildings. Earlier in his career he worked in the field of affordable housing and housing in general. Currently he is at SGA Architects in Boston, re-positioning brick-and-beam former light-manufacturing buildings into contemporary work and collaboration spaces. His family has lived in Arlington nearly ten years and this year will be his third as a Town Meeting Member.

Michael Cayer is the Arlington Redevelopment Board (ARB) member representative to the Community Preservation Act Committee. Mike has been a member of the ARB for 5+ years, a Town Meeting Member for 10+ years and a resident of Arlington for 20 years. He is the general counsel of Acquia Inc., a VC-backed private technology company based in Boston with approximately 750 employees worldwide and more than \$100 million in annual revenue. Over the past 20 years, Mike has served as general counsel to several private and public companies, leading IPOs, sales, acquisitions and day-to-day commercial and legal operation.

David J. Levy (Selectman Appointee) is an affordable housing professional in the Metro-Boston area, and currently serves as Principal of New Seasons Development, a for-profit real estate consulting and development company. He has worked in affordable housing since the 1990s and led the Housing Corporation of Arlington (HCA) as Executive Director from 2003 to 2012. Shortly after leaving HCA, David served for almost two years as a senior housing specialist at MassHousing, the Commonwealth's Housing Financing Agency, where he worked with other state and private lenders to underwrite affordable housing loans for the state's Affordable Housing Trust Fund.

Leslie Mayer (Park & Recreation Commission representative) is a longtime Arlington resident who has been active in the community for many years. She has served on a variety of committees, including the Open Space Community, chair of the Arlington Reservoir Committee, co-chair of the Vision 2020 Standing Committee, president of the Peirce School PTO, a board member of the Arlington Education Foundation and member of the Title IX Committee and Activate Arlington. Ms. Mayer also currently serves on the Arlington Park & Recreation Commission and is a Town Meeting Member from Precinct 21. Professionally, Ms. Mayer is a former information systems consultant with a degree in economics and for the last decade has provided administrative and customer support at a recreation center in a neighboring town.

Richard Murray is the Arlington Housing Authority (AHA) member representative to the Community Preservation Act Committee. Richard is a former member of the Arlington Board of Selectman, and he has served on the Housing Authority for over fifteen years. Richard is a former Arlington business owner and currently work as a Pharmacist in Lowell, MA

JoAnn Robinson (Arlington Historical Commission representative) has been on the Historical Commission since 1995. She is a landscape historian and her work with the Town has included collaboration on a Master Plan for the Arlington Civic Block and several historic preservation grants for ongoing rehabilitation of the civic block landscapes. Currently she works for the Isabella Stewart Gardner Museum. Prior to that she worked for landscape architects and taught landscape history at the Boston Architectural College for over 10 years. Currently, she serves as the vice-chair of the Park Overseers for the Emerald Necklace Conservancy. JoAnn's first career was as a marketing manager at Digital Equipment Corporation for 15 years.

Chuck Tirone (Conservation Commission representative) is a 28-year Arlington resident and a member of Arlington's Conservation Commission for the past 11 years. He provided staff support from 2003 to 2007 at Massachusetts Association of Conservation Commissions, and was the Assistant Conservation Administrator for the Town of Boxford from 2007-2014. As part of his duties Chuck was staff support to the Lakes Ponds and Streams Committee, writing grants and surveying ponds for invasive management permitting, assessing and ranking the needs of each pond in the Town of Boxford. He is currently the Conservation Administrator for the Town of Reading. As a Wetland Professional, US Army Corps of Engineers Wetland Delineation Methods professional, and Certified Professional in Erosion and Sediment Control, Chuck provides regular and comprehensive reviews of project applications as part of inter-departmental sign-off procedure for the WPA and Reading Bylaw. He conducts regular on-site inspections to verify the wetland, flags the limit of work and also monitors active construction sites. Chuck is a licensed construction professional with 29 years of experience in all phases of residential and commercial construction, and expertise in the Massachusetts Building Code and regulations, contract negotiations, project estimates, impending design problems, site plans, and site management.



Item #77

Arlington
HOUSING AUTHORITY
MASSACHUSETTS

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02476

2016 APR 11 AM 11:53
Executive Director
John J. Griffin

Commissioners:

Richard B. Murray
Nicholas Mitropoulos
Joseph S. Daly
Daniel F. Brosnan
Gaar Talanian

Tel.: (781) 646-3400
Fax: (781) 643-6923

April 6, 2016

Clarissa Rowe, Chair
Community Preservation Committee
Town of Arlington
730 Massachusetts Ave.
Arlington MA 02476

Dear Ms. Rowe,

The Arlington Housing Authority greatly appreciates the CPA Committee's support for a revised version of our originally submitted CPA funding proposal dated February 18, 2016. This letter summarizes the Authority's finalized CPA proposal as refined since then in our work together.

We request \$200,000 in FY2017 CPA funding for the preservation of community housing, specifically, to be applied to the window replacement work at the Hauser Building that is part of the larger Drake Village preservation project. These CPA funds, with additional funds from the Community Development Block Grant, will leverage an additional \$1.4 million from the Department of Housing and Community Development's High Leverage Asset Preservation Program (HILAPP). The window replacement is scheduled to commence and be completed during FY2017.

On October 31, 2014 the Arlington Housing Authority was awarded partial funding from the Department of Housing and Community Development's High Leverage Asset Preservation Program (HILAPP) to make Drake Village and the Hauser Building a service-enriched, accessible senior campus. Unfortunately, at that time it was not feasible to finance the full scope of \$6.9 million. DHCD has requested the Housing Authority concentrate on replacements of the windows at the Hauser Building due to the fact that they are leaking and causing damage to the interior of the building.

Window replacement at apartments only will cost about \$1.8 million. The intent of the HILAPP program is to leverage the financial support that housing authorities receive from their municipalities, granting one dollar for every thirty cents of local funding secured. DHCD suggested sources of funding of Community Development Block Grant Funds (CDBG), Community Preservation Funding (CPA), Home Funds or local housing trust funds.

The CPA funds will therefore enable us to leverage the HILAPP program to cover the full cost of this important window replacement project.

Sincerely,

John J. Griffin
Executive Director



Town of Arlington, Massachusetts

Discussion: Future BoS Meetings

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	2016_Calendar_May - _August.pdf	2016 Calaendar May - August

May 2016						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 ORTHODOX EASTER	2	3	4	5	6	7
8 HAPPY MOTHER'S DAY	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30 MEMORIAL DAY	31				

June 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19 HAPPY FATHER'S DAY	20	21	22	23	24	25
26	27	28	29	30		

July 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 JULY 4TH HOLIDAY	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



Town of Arlington, Massachusetts

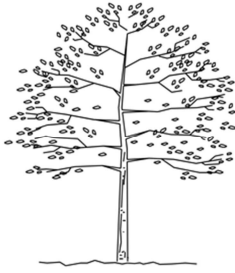
Rehearing of Warrant Article 22: Bylaw Amendment/Tree Preservation Bylaw

Summary:

Mary Ellen Aronow, Co-Chair, and Susan Stamps, Arlington Tree Committee

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Tree_Committee_request.docx	Request from Tree Committee
▢ Reference Material	Revised_Tree_Preservation_Bylaw_4.11.docx	Revised Tree Preservation Bylaw



**ARLINGTON
TREE
COMMITTEE**

www.arlingontrees.org

ArlTreeCmte@gmail.com

To: Diane Mahon, Chair, Arlington Board of Selectmen
From: Mary Ellen Aronow, Co-Chair, and Susan Stamps, Arlington Tree Committee
Re: 2nd warrant hearing requested for Article 22, Tree Preservation Bylaw
Date: April 3, 2016

At the March 21, 2016 warrant hearing on Article 22, Tree Preservation Bylaw, the question of whether the Board would support the Bylaw was tabled. Since that hearing, we have been working hard on the items you requested of us. We write to ask that the Board schedule a second warrant hearing on Article 22, preferably in time for publication of your booklet for Town Meeting.

Our understanding was that before voting on whether to support Article 22, the Board wanted more information on the expected impact of the Bylaw on builders in terms of additional time involved and additional costs. The board also asked for clarification of the timeline of complying with the bylaw and our recommendations for fees and fines. Finally, the Board asked that we talk with Arlington builders about the bylaw. We understood the purpose of communication with the builders was to obtain their views on the impact of the bylaw and consider changes that might be helpful to them.

We have interviewed builders in other towns with similar tree bylaws, including Arlington builders who work in those towns, and we now have a good idea of additional time involved and additional costs (we also found that those experienced with the bylaw have a generally favorable view). We have talked with local builders and are continuing the outreach. Based on information gathered so far, we have identified some changes that can be made to simplify administration and reduce cost. We have gathered data on fees and fines in other towns with similar bylaws and are constructing a proposal either to be inserted in the bylaw or done separately as a regulation (which gives flexibility for future changes). We have continued discussions with town officials about ways to streamline administration.

We would very much appreciate it if you would grant us the opportunity for a second warrant hearing.

Thank you.

03/14/16: SDS (7th draft) (Tree bylaw subcommittee)
4/6/2016: MEA-SJN (8th draft) (Tree bylaw subcommittee)
4/7/2016: SDS (9th draft) (Tree bylaw subcommittee)
4/8/2016: SDS (10th draft) (Tree bylaw subcommittee)

SUMMARY OF TREE PRESERVATION BYLAW

The By-law requires developers, homeowners or contractors seeking building or demolition permits to submit simultaneously to the Tree Department a site plan indicating which mature, healthy trees (DBH >10") located in the setback shall remain in place, or be removed and mitigated. Mitigation can be achieved by planting an equal number of new trees or by paying fees into an already established Tree Fund for the town to plant replacement trees.

ARTICLE 22 TREE PRESERVATION

SECTION 1. Findings and Purpose

The Town of Arlington finds that preservation of the tree canopy and planting of replacement trees is essential to preserving the character and aesthetic appearance of the Town and maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and storm water runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors.

The purpose of this By-law is to minimize the impact of residential and commercial development on trees within the Town of Arlington. Loss of trees during demolition of existing buildings, construction of new buildings and/or expansion of existing buildings, without mitigation, threatens to significantly reduce Arlington's tree canopy.

SECTION 2. Definitions

A. The following definitions shall apply to this By-law:

"Building Footprint" – Outline of the total area covered by a building's perimeter at ground level.

"Caliper" – Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

"DBH (Diameter at Breast Height)" – Diameter of a tree trunk measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the aggregate diameters of the multiple trunks at a height of four and a half (4 1/2) feet above the ground.

"Demolition" – Any act of destroying, pulling down, removing or razing a building or commencing the work of total or substantial destruction of a building.

“Protected Tree” - Any existing healthy tree on private land with a DBH of ten (10) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.

“Setback Area” – The portion of the property which constitutes the minimum depth of side, rear and front yards as per the Zoning Bylaw of the Town of Arlington.

“Tree Fund” – An existing Town account established for the purpose of buying, planting, and maintaining trees in the Town which may receive deposit of contributions in lieu of planting new trees by property owners and fines collected under this By-law.

“Tree Plan” – A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas and indicating, on the site plan or in a separate document, which Protected Trees will be retained, which will be removed, and, as to Protected Trees which will be removed, whether mitigation will be by replacement on the property or by payment into the Tree Fund.

“Tree Removal” – The cutting down of a tree.

"Tree Warden" - The Tree Warden or his/her designee.

B. Additional definitions may be provided in rules and regulations approved by the Board of Selectmen where consistent with the intent and efficient execution of this By-law.

SECTION 3. Applicability

A. The requirements of this By-law and all applicable rules and regulations apply to the following circumstances:

(1) Proposed demolition of an existing residential or non-residential structure;

(2) Proposed construction on a developed lot which would result in an increase of 50 percent or more of the total building footprint of the new structure(s) when compared to the total footprint of pre-existing structures; or

(3) Proposed construction of any scope on a lot with no residential or non-residential structure on it.

B. Sites under the jurisdiction of the Arlington Redevelopment Board (“ARB”) or the ARB as the Planning Board, the Zoning Board of Appeals, or the Conservation Commission pursuant to Arlington’s Wetlands Protection By-law (Title V, Article 8) may waive the requirements of this By-law in full or in part where such waiver serves the interests of the community and the reasons therefore are memorialized by such bodies.

C. The requirements of this By-law shall not apply to trees defined as Public Shade Trees under G.L. c. 87 § 1.

SECTION 4. Procedures and Requirements for the Preservation of Trees

A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.

B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C.

C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 90 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a \$500 payment made to the Tree Fund prior to commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.

D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.

E. An owner aggrieved of the Tree Warden's determination on a Tree Plan, or with respect to the need for such a plan, may appeal such determinations to the Board of Selectmen at a public hearing. A written decision on such appeals shall be rendered within 14 business days of the close of such hearing(s).

Section 5. Enforcement and Fines

A. Following a determination of violation by the Tree Warden, an owner shall be subject to fines for the activities listed below, to be paid into the Tree Fund, said fines to be set forth in rules and regulations issued by the Board of Selectmen. Said activities are:

(1) Removal of a Protected Tree on an applicable site without prior written approval of commencement of work per Section 4.D, \$1,500. There shall be a fine for each Protected Tree removed.

(2) Removal of a Protected Tree which is not identified for removal in the Tree Plan. There shall be a fine for each Protected Tree removed, \$500.

(3) Failure to mitigate tree removal within the time set forth in Section 4.C of this By-law. There shall be a fine of \$300 for each day until mitigation is achieved.

B. Wherever there is reasonable cause to believe that an owner or their agent willfully violates this By-Law or an approved Tree Plan, the Town may institute a civil action for injunctive relief in a court of competent jurisdiction ordering appropriate parties to correct a condition in violation, or to cease an unlawful use of the property.

C. An owner aggrieved of the Tree Warden's determination of violation(s) may appeal such determination(s) to the Board of Selectmen at a public hearing.

Section 6. Administration

The Board of Selectmen shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.

Section 7. Severability Clause

If any provision of this By-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-law shall not be affected thereby.

Section 8. Relationship to Other Laws

Nothing in this By-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Arlington By-laws or laws of the Commonwealth of Massachusetts.



Town of Arlington, Massachusetts

Selectmen Report: Comments and Support Material

Summary:

- a) Warrant Article 28 Vote/Authorizing Community Choice Aggregation
- b) Warrant Article 35: Appropriation/ Town Budgets

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Articles_28_35_text.docx	Warrant Article Text
▢ Reference Material	W.W._#28_Community_Choice_Aggregation_Frequently_Asked_Questions.docx	Article 28 FAQs
▢ Reference Material	Dan_Dunn_e-mail.pdf	Article 35 Reference

ARTICLE 28

VOTE/AUTHORIZING COMMUNITY CHOICE AGGREGATION

To see if the Town will authorize the Board of Selectmen to commence a Community Choice Aggregation Program (CCA) and contract for electric supply as authorized by M.G.L. 164, Section 134, and through CCA decrease greenhouse gas emissions from the generation of electricity for Arlington residents and businesses by pursuing an increased amount of Class I designated renewable energy than is required by the Massachusetts Renewable Portfolio Standard (RPS); or to take any other action relative thereto.

(Inserted at the request of the Town Manager)

ARTICLE 35

APPROPRIATION/TOWN BUDGETS

To see if the Town will vote to make appropriations to defray Town obligations, liabilities, outlay and expenses and especially for or relating to all or any of the boards, departments, purposes and matters hereinafter mentioned, and to provide for the disposal of motor vehicles and other personal property belonging to the Town, determine how the money shall be raised and expended; or take any action related thereto: Finance Committee, Board of Selectmen, Town Manager, Human Resources, Comptroller, Information Technology, Town Treasurer and Collector of Taxes, Assessors, Legal and Workers' Compensation, Town Clerk, Registrars, Planning and Community Development, Redevelopment Board, Parking, Zoning Board of Appeals, Public Works, Cemeteries, Community Safety, School Department, Libraries, Human Services, Insurance, Non-Contributory Pensions, Contributory Pensions, Town Debt and Interest, Reserve Fund, and/or any other Town Departments, Boards, Commissions or Committees, Water and Sewer Enterprise Fund, Recreation Enterprise Fund, Council on Aging Transportation Enterprise Fund, Veterans' Memorial Rink Enterprise Fund, and Youth Services Enterprise Fund.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

Community Choice Aggregation Frequently Asked Questions

What is green Community Choice Aggregation (CCA)?

Green Community Choice Aggregation is a way for a community to get more renewable energy into its residents' electricity, and provide stable and competitive electricity prices. It gives us the option to take control of our electricity sources and prices.

The law: In 1997, the Commonwealth of Massachusetts enacted a public policy enabling cities and towns to aggregate the buying power of individual electricity customers. This process is referred to as Community Choice Aggregation (CCA). Through a "green CCA", Arlington can make a meaningful reduction in its greenhouse gas (GHG) emissions efficiently, affordably, and with the added benefit of public education to bring better understanding to electricity bills, energy choices, and renewable energy.

Why is Arlington pursuing a green CCA?

Arlington has shown an ongoing commitment to reducing its GHG emissions through projects spearheaded by its Energy Working Group—including LED streetlights, fuel-efficient vehicles for Town use, and solar panels on schools. Since 2010, the Town has been a designated Green Community under the State's Green Communities Act, and has recently achieved its goal of reducing municipal energy use by 20% over five years. The Town has also supported efforts of residents to install solar power on their homes via its participation in 2012 in the Solarize Massachusetts campaign. As the town looks to go further and continue to lead by example, a green CCA is a logical next step.

Additionally, Arlington recognizes that CCA is a way to offer more stable electricity prices, and, very likely, savings on electricity bills to its residents.

How can Arlington begin a CCA?

A warrant article on CCA is being voted on at the 2016 Arlington Town Meeting in April. Town Meeting Members must vote in favor of the warrant article.

What does the CCA warrant article say?

Submitted by: Town Manager Adam Chapdelaine on behalf of Town Energy Working Group

To see if the Town will authorize the Board of Selectmen to commence a Community Choice Aggregation Program (CCA) and contract for electric supply as authorized by M.G.L. 164, Section 134, and through CCA decrease greenhouse gas emissions from the generation of electricity for Arlington residents and businesses by pursuing an increased amount of Class I designated renewable energy than is required by the Massachusetts Renewable Portfolio Standard (RPS), or to take any other action relative thereto.

Community Choice Aggregation Frequently Asked Questions

Endorsed by: Sustainable Arlington, Arlington Mothers Out Front, Massachusetts Climate Action Network

Supported by: Arlington Board of Selectmen

What happens if Arlington Town Meeting Members vote YES on CCA?

The Town is given the authorization to explore CCA. Assisted by a broker chosen through a competitive process administered by the Metropolitan Area Planning Council (MAPC), the Town would go out to bid for an electricity rate for residents, with the goal of getting a price that is competitive with Eversource's Basic Service rates over time and hopefully produces savings for Arlington ratepayers. *There is never an obligation for the Town to move forward with enacting CCA if they do not feel they are getting a good price for residents.*

How will Arlington residents be alerted if Arlington begins a CCA?

If Arlington goes out to bid and gets a good price for our electricity supply, a start date for our CCA will be set. Then, all residents and businesses currently on Eversource's Basic Service (this is most people in town) will be automatically given the appropriate price in the Supply portion of their Eversource electricity bills. The price may be slightly different for commercial and industrial consumers than it is for residential.

Nothing changes in the way residents pay their bills—we still send the money to Eversource.

There is a 30-day education period before the CCA starts where the Town will notify people of the upcoming change. During that period, residents can choose to opt out of the CCA, and therefore continue to receive Eversource's Basic Service rate.

Can Arlington residents opt out of CCA?

Yes. By law, the CCA program must include clear and easily executable steps allowing you to opt out with no penalty or other cost. In addition, the CCA plan must automatically exclude residents who have already chosen their own competitive supplier. Those residents will be instead offered the option to opt in to Arlington's CCA program.

This allows Arlington residents to choose to participate in something that makes a meaningful impact.

Would electricity bills still come from Eversource?

Yes, residents' electricity bills would continue to come from Eversource, but the CCA price would show up under the "Supply" Section of the bill.

Community Choice Aggregation Frequently Asked Questions

How much would it cost? Will Arlington ratepayers save money?

There would be no expenditure of money by the Town, or increase in taxes for residents.

The Town locks in a competitive price for electricity for Arlington residents for a period of time—possibly 1 or 2 years. In the Town of Dedham, which has undergone CCA, residential rates are locked in at \$.0969 cents/kWh until December, 2017. Compare that to Eversource's previous rate of \$.1050 and current rate of \$.10804. Although there is no way to predict how Dedham's rates will compare to Eversource's rates when they change in July 2016, it is likely that savings will continue.

Dedham, MA CCA rates comparison:

Rate	Cost	Applicable Timeframe
Eversource Basic Service – current	.10804 per kWh	January 1 - June 30, 2016
Eversource Basic Service – Previous	.1050 per kWh	July 1 – December 31, 2015
Town of Dedham residential rate acquired through CCA	.0969 per kWh	January 1, 2016 – December 31, 2017

Would additional renewable energy content make CCA more expensive than Eversource's Basic Service?

It is very unlikely. In Dedham, the rate of .09616 cents/kwh includes an additional 5% Class I renewable energy content. This is because the CCA process uses competitive solicitations to lower electricity procurement costs. Savings from this process are expected to be more than able to pay for the additional renewable energy content without raising overall rates compared to Basic Service.

We also envision that the chosen CCA supplier would offer one or more optional rates with even higher amounts of renewable energy for those residents wanting more.

Have any other towns done this?

79 Massachusetts' cities and towns have already implemented CCA plans, and more are in the process of passing CCA plans with the goal of reducing GHG emissions by increasing renewable energy content by at least 5% over what is required by the RPS, including Lexington, Somerville, and Cambridge. Three towns began green CCAs in January, 2016 - the City of Melrose, City of Salem and Town of Dedham.

Community Choice Aggregation Frequently Asked Questions

What are the benefits to Arlington?

Taking control of our electricity rates

Arlington can take control of its energy rates through CCA. Eversource is mandated by the state to set a rate for our electricity prices (called Basic Service) on a specific day every 6 months. If the electricity on the market on that day is costly, our rates are high for the next 6 months! We face growing uncertainty regarding Basic Service electricity supply rates because of fossil fuel supply and demand issues. In recent years, the fluctuations have been drastic, due in no small part to New England's high reliance on natural gas.

With a CCA, Arlington chooses its rate on whatever day the market looks best by working with an experienced broker—as opposed to allowing residents to remain at the mercy of Eversource's rate-setting.

Savings

There is a good chance that Arlington residents will save money over the life of a CCA compared to Eversource's Basic Service rates.

For example: As mentioned above, in the Town of Dedham, which has undergone CCA, residential rates are locked in at \$.0969 cents/kWh until December, 2017. Compare that to Eversource's previous rate of \$.1050 and current rate of \$.10804. Although there is no way to predict how Dedham's rates will compare to Eversource's rates when they change in July 2016, it is likely that savings will continue.

Price stability

Arlington can choose a stable price for its residents for a longer period of time than Eversource offers. This means more predictable bills for Arlington residents.

In addition, because the Town would pursue competitive solicitations for electricity supply under a CCA, there are likely to be savings for residents over time vs. Eversource's Basic Service rates.

Taking action against climate change

In a study of 11,994 climate study abstracts published between 1991 and 2011, **of those papers that took a position on manmade global warming (about 1/3 of them)**, 97% concluded that climate change is real and caused by humans. The Earth is facing a climate crisis and, to avoid the worst impacts of this crisis, the burning of fossil fuel must be dramatically curtailed. Massachusetts has a mandate of reducing GHG emissions 80% by 2050 through its Global Warming Solutions Act (GWSA) of 2008, and in order to meet this mandate, cities and towns must act.

Community Choice Aggregation Frequently Asked Questions

Shifting the sources of our electricity generation to include a greater share of renewable energy is a single, simple step that allows for an immediate and substantial decrease in GHG emissions, bringing Arlington closer in line with the state's Global Warming Solutions Act mandate.

Supporting our local energy economy

In general, dollars spent on imported fossil fuels flow out of Massachusetts, and are no longer available to invest in our local economy. Investing in New England-based renewable energy projects, as we could do through CCA, keeps energy jobs and revenue in our state and our communities. From *Renewable Energy Standards Deliver Economic Benefits* by the Union of Concerned Scientists (May 2013):

“Renewable energy development outperforms fossil fuels in two important ways when it comes to driving job growth: 1) Renewable energy development is relatively labor intensive, so it creates more jobs per dollar invested than fossil fuel resources and 2) Installing renewable energy facilities uses primarily local workers, so investment dollars are kept in local communities.”²

Protecting residents with a trusted competitive source for electricity

The Massachusetts Restructuring Act of 1997 unbundled the electricity market and struck down the monopoly held by investor-owned utilities (IOUs, such as Eversource) to generate, transmit and sell electricity to all consumers. Although Eversource still manages transmission and distribution (“poles and wires”) for Arlington, it no longer generates electricity and customers can choose a competitive electricity supplier (the electricity is still delivered by Eversource) or can stay with Eversource's Basic Service for electricity.

Unfortunately, some competitive suppliers have employed deceptive and confusing marketing practices, including door to door marketing where they do not clearly distinguish themselves from Eversource and do not disclose hidden fees or contract terms. But with CCA, residents are offered a better, clearer and fully disclosed choice. A municipality such as Arlington must submit a detailed plan for review by the Department of Energy Resources, Attorney General, and Department of Public Utilities before it is allowed to contract with a competitive supplier. As part of the rollout of CCA, each resident will be provided clear education on the price, timeframe, and comparability to Eversource Basic Service rates. Each customer will have the opportunity to opt out of the CCA at no cost (and remain on Eversource Basic Service).

In Summary

Overall, CCA is an effective way for communities to receive competitive electricity rates for residents, protect consumers from questionable practices by competitive electricity suppliers, and, with an increase in Class I renewable energy content over Eversource's current Basic Service, make a large impact on new renewable energy development in the state and region.

From: Dan Dunn <dunster@dandunn.org>
To: MaryAnn Sullivan <MSullivan@town.arlington.ma.us>, Marie Krepelka <mkrepelka@town.arlington.ma.us>, Fran Reidy <FReidy@town.arlington.ma.us>
Cc: Adam Chapdelaine <achapdelaine@town.arlington.ma.us>
Date: 04/04/2016 08:50 AM
Subject: for tonight

When I spoke to FinComm a few weeks ago, they suggested we insert a message like this in our report to Town Meeting.

Please forward in email, and print out. Thank you.

Dan

Article 35: APPROPRIATION/TOWN BUDGETS

COMMENT: The Board supports the budget as voted by the Finance Committee, specifically the Town Manager's budget. At the Finance Committee hearing on this article in March FinComm invited the Selectman to make a comment on the changes in the Town Manager's budget. There are two changes to the Town Manager's budget of note. The first is an increase in the Town Manager's compensation. The second is the restoration of the position of Assistant Town Manager.

Earlier this year, the Manager informed the Board that he was about to take a position with another town. The Board reacted quickly and met in an emergency session early the next day. We carefully considered several factors.

We assessed the Manager's performance, and confirmed our opinion that the Manager provides immense value to the town. We considered the field of alternative candidates available as replacement. We looked at the updated competitive market for Town Manager compensation. We considered the effect on other town employees and the competitive market if we were to increase the Manager's compensation. After considering all of these factors, we decided to make a competitive offer to try to retain the Manager. We are very pleased that we were able to do so.

We believe it is important to note that the compensation package is not "standard" and is not a package we would offer to any future candidate for Town Manager. There are very specific provisions in this package designed for the current holder of the position. We made this unusual offer because we know the current Manager very well, we want to retain him, and our experience with him gives us confidence that he will continue to perform with a high level of excellence.

The restoration of the Assistant Town Manager was discussed alongside the compensation, but was not a part of the negotiated package. The Selectmen

endorse the restoration of this position because we see the demands on the Town Manager's office, and we know that the expectation of our town's residents can be better met with this resource. This position will have a number of responsibilities. Some examples are:

- * Serve as main liaison between residents and departments ensuring satisfactory and timely customer service
- * Serve as Public Records Officer for the Town
- * Manage various capital projects, including, but not limited to projects funded by the Community Preservation Act
- * Serve as liaison to the various community groups, working to support the organization of community events



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 29: Removal of Easement Restriction (tabled from 3.7.16 meeting)

Article 32: Endorsement of CDBG Application

Article 33: Revolving Funds (tabled from 3.21.16 meeting)

Article 58: Resolution/Community Preservation Plan

STM Article 6: Minuteman Regional Vocational Technical School: Bond Authorization for Minuteman School Construction

ATTACHMENTS:

Type	File Name	Description
Reference Material	Warrant_Article_Text.docx	Warrant Article Text #29, #32, #33, #58, STM #6
Reference Material	Town_Counsel_Mem_to_BOS_re_Warrant_Articles_29__32__33__58_and_STM_6_(00018034xA050C)_(1).docx	D. Heim Comments #29, #32, #33, #58 and STM #6
Reference Material	10_reg_voter_letter_4.4.pdf	Letter sent to 10 registered voter article #29
Reference Material	Pleasant_View_Exterior_Lines_Release_Agreement_Draft.docx_(00018061xA050C).docx	W.A. #29 Draft Agreement in Principle
Reference Material	CDBG_Report_to_Town_Meeting_2016_#22_(1).doc	W.A. #32 CDBG Report to Town Meeting 2016
Reference Material	CDBG_Year_42_Summary_(2).xls	W.A. #32 CDBG Year 42 Summary
Reference Material	Tregoning_CR.pdf	W.A. #32 FY2016 CDBG Allocation from HUD
Reference Material	Worden_Comments_CDBG.pdf	W.A. #32 Comments J. Worden
Reference Material	rev_Funds_Vote.pdf	W.A. #33 FY2017 Revolving Funds for Warrant Article
Reference Material	Copy_of_Revolving_Fund_Warrant_Article_FY2017_(1)_(1).pdf	W.A. #33 FY2015 Revolving Funds: Expenditure Detail

ARTICLE 29**REMOVAL OF EASEMENT RESTRICTION**

To see if the Town will vote to abandon the easement/building lines as may exist upon the real property located at the corner of 54 Pleasant View and Spring Street, as taken and established on April 6, 1942 and recorded at Middlesex South Registry of Deeds Book 6591, page 1 and as shown as lots 83 and 84 on a Plan filed with the taking being Plan No. 213 of 1942, determine the contingencies that will be attached to said release; or take any action related thereto.

(Inserted at the request of David D. Dolan and ten registered voters)

ARTICLE 32**ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2017 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

ARTICLE 33**REVOLVING FUNDS**

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 58**RESOLUTION/COMMUNITY PRESERVATION PLAN**

To see if the Town will accept, receive, or resolve to endorse the Community Preservation Plan adopted by the Community Preservation Committee; or take any action related thereto.

(Inserted at the request of the Community Preservation Committee)

STM ARTICLE 6**MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL: BOND AUTHORIZATION FOR MINUTEMAN SCHOOL CONSTRUCTION**

To see if the Town will vote to approve debt authorized by vote of the Minuteman Regional Vocational Technical School District for the purpose of paying Arlington's apportioned capital costs for the construction of a new Regional Vocational Technical School building in Lincoln Massachusetts, the design for which having been approved by the Regional School Committee, said sum to be expended at the direction of the Minuteman School Building Committee; or take any action related thereto.

(Inserted at the request of the Town Manager)



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager

From: Douglas W. Heim, Town Counsel

Date: April 1, 2016

Re: Annual Town Meeting Warrant Articles ##29, 32, 33, and 58, and STM 6

I write to provide the Board of Selectmen a summary of the above-referenced warrant articles, including the supplemental hearing of Article 29, to assist in the Board's consideration of these articles at its upcoming hearing on April 4, 2016. Given the timing of the Board's consideration of these articles, where possible, I have also included Draft Vote and Comment language for the Board's further consideration.

ARTICLE 29

REMOVAL OF EASEMENT RESTRICTION

To see if the Town will vote to abandon the easement/building lines as may exist upon the real property located at the corner of 54 Pleasant View and Spring Street, as taken and established on April 6, 1942 and recorded at Middlesex South Registry of Deeds Book 6591, page 1 and as shown as lots 83 and 84 on a Plan filed with the taking being Plan No. 213 of 1942, determine the contingencies that will be attached to said release; or take any action related thereto.

(Inserted at the request of David D. Dolan and ten registered voters)

As previously reported to the Board, the purpose of this article is for the Town to release its interests in exterior lines (a property restriction akin to an easement) located at the corner of 54 Pleasant View Road and Spring Street. The exterior lines are the same category of property interests the Town held on the 55 Venner Road lot previously released by Town Meeting in 2014 – an easement-like right the Town acquired to build an extension road off of Spring Street in the 1940s; a plan which was later abandoned by the Town.

At the Board's request, the Legal Department and the Department of Public Works worked to identify the extent to which these types of property rights generally encumber residential properties throughout Arlington. Unfortunately, it is not possible to develop a reliable inventory without either conducting thorough title searches on individual parcels or possessing better inventories of abandoned projects. Our best estimation is that these types of property interests, which do have incidental impacts on property use and sale are likely rare based in part on the nature and purpose of the Town's acquisition of property interests.

The Town Manager has negotiated an agreement in principle for the Town to receive consideration of \$28,000 (contingent upon Town Meeting approval) for the release of the property interest in question. The sum is based upon the amount the Town paid in 1942 for the

exterior lines adjusted for inflation plus the difference in property tax over a reasonable period of years.

Should the Board be inclined toward favorable action on this matter, a vote and comment would be as follows:

VOTED: The Town hereby releases the exterior lines taken by the Town of Arlington upon the real property located at the corner of 54 Pleasant View and Spring Street for the purpose of a roadway extension, as taken and established on April 6, 1942 and recorded at Middlesex South Registry of Deeds Book 6591, page 1 and as shown as lots 83 and 84 on a Plan filed with the taking being Plan No. 213 of 1942, in exchange for the valuable consideration of \$28,000, as authorized by M.G.L. c. 40 §15.

COMMENT: The proposal under this article closely resembles an agreement approved at the 2014 Town Meeting to release a portion of the same type of exterior line property interests held by the Town – the right to construction of an extension roadway in the vicinity of Venner Road, Pleasant View Road, and Spring Street – acquired in the 1940s. The roadway project was later abandoned by the Town, but the restrictions on the properties affected by the defunct extension roadway remain in effect.

The proponent and the Town Manager negotiated an Agreement in Principal to provide the Town consideration of \$28,000 for the release of its property interest based upon a combination of inflation adjusted purchase price for the exterior lines and the difference in property tax revenue for a reasonable period given the property restriction's impact on same. The Board believes this a fair representation of the Town and property owner's interests and further understands that there should not be additional properties similarly affected by the exterior lines at issue.

ARTICLE 32

ENDORSEMENT OF CDBG APPLICATION

To see if the Town will vote to endorse the application for Federal Fiscal Year 2017 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

This article presents the annual vehicle for consideration and endorsement of Community Development Block Grant expenditures. Should the Board approve the CDBG proposal, a draft vote and comment have been prepared for your review below.

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2017 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

COMMENT: This article represents the usual vote to endorse the annual application for Community Development Block Grant funds.

ARTICLE 33

REVOLVING FUNDS

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

As previously commented, this article, tabled at the March 21, 2015 Board of Selectmen meeting is a standard annual warrant article. The Board should receive proposed votes from the Comptroller. Should it be inclined to move for action under this article, the following draft vote and comment reflect the Board's usual endorsement.

**VOTED: The Town does hereby reauthorize the following Revolving Funds for
FY 2017:**

**Private Way Repairs: Originally established under Article 46, 1992 Annual Town Meeting
FY2017 expenditures not to exceed \$200,000**

Beginning Balance, 7/1/14	\$50,858.67
Receipts	36,856.17
Expenditures	0.00
Ending Balance, 7/1/15	\$87,714.84

**Public Way Repairs: Originally established under Article 45, 1992 Annual Town Meeting
FY2017 expenditures not to exceed \$5,000**

Beginning Balance, 7/1/14	\$168.40
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$168.40

**Fox Library Community Center Rentals: Originally established under Article 49, 1996 Annual Town Meeting
FY2017 expenditures not to exceed \$20,000**

Beginning Balance, 7/1/14	\$15,068.13
Receipts	2,020.00
Expenditures	314.78
Ending Balance, 7/1/15	\$16,773.35

**Robbins House Rentals: Originally established under Article 77, 1997 Annual Town Meeting
FY2017 expenditures not to exceed \$75,000**

Beginning Balance, 7/1/14	\$31,893.61
Receipts	45,846.96
Expenditures	58,647.15
Ending Balance, 7/1/15	\$19,093.42

**Conservation Commission Fees: Originally established under Article 44, 1996 Annual Town Meeting
FY2017 expenditures not to exceed \$10,000**

Beginning Balance, 7/1/14	\$2,742.54
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$2,742.54

**Uncle Sam Fees: Originally established under Article 31, 2000 Annual Town Meeting
FY2017 expenditures not to exceed \$2,000**

Beginning Balance	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$1,526.31

**Life Support Services (Ambulance) Fees: Originally established under Article 37, 2001 Annual Town Meeting
Expenditures not to exceed \$800,000**

Beginning Balance, 7/1/14	\$405,815.24
Receipts	670,729.13
Expenditures	529,395.91
Ending Balance, 7/1/15	\$547,148.46

**Board of Health Fees: Originally established under Article 30, 2005 Annual Town Meeting
FY2017 expenditures not to exceed \$100,000**

Beginning Balance 7/1/14	\$65,529.70
Receipts	61,917.41
Expenditures	70,727.17
Ending Balance, 7/1/15	\$56,719.94

**Field User Fees: Originally established under Article 78, 2004 Annual Town Meeting
FY2017 expenditures not to exceed \$80,000**

Beginning Balance, 7/1/14	\$63,848.53
Receipts	37,016.50
Expenditures	77,475.46
Ending Balance, 7/1/15	\$23,389.57

**Robbins Library Rentals: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$8,000**

Beginning Balance 7/1/14	\$21,696.10
Receipts	8,300.00
Expenditures	3,409.90
Ending Balance, 7/1/15	\$26,586.20

**Town Hall Rentals: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$100,000**

Beginning Balance, 7/1/14	\$14,534.54
Receipts	123,677.11
Expenditures	68,057.64
Ending Balance, 7/1/15	\$70,154.01

**White Goods Recycling Fees: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$80,000**

Beginning Balance, 7/1/14	\$45,109.39
Receipts	23,568.77
Expenditures	11,272.24
Ending Balance, 7/1/15	\$57,405.92

**Library Vending Fees: Originally established under Article 34, 2009 Annual Town Meeting
FY2017 expenditures not to exceed \$25,000**

Beginning Balance, 7/1/14	\$4,873.93
Receipts	10,115.50
Expenditures	10,244.55
Ending Balance, 7/1/15	\$4,744.88

**Gibbs School Energy Fees: Originally established under Article 45, 2010 Annual Town Meeting
FY2017 expenditures not to exceed \$120,000**

Beginning Balance, 7/1/14	\$36,459.27
Receipts	104,728.67
Expenditures	107,017.08
Ending Balance, 7/1/15	\$34,170.86

**Cemetery Chapel Rentals: Originally established under Article 52, 2011 Annual Town Meeting
Expenditures not to exceed \$15,000**

Beginning Balance, 7/1/14	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$0.00

Council On Aging Program Fees: Originally established under Article 28, 2013 Annual Town Meeting Expenditures not to exceed \$25,000

Beginning Balance, 7/1/14	\$4,320.94
Receipts	12,722.56
Expenditures	12,472.15
Ending Balance, 7/1/15	\$4,571.35

COMMENT: The above represents the usual vote to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law. Additional materials regarding the Revolving Funds have also been included in the Appendix to this report for further consideration.

ARTICLE 58 RESOLUTION/COMMUNITY PRESERVATION PLAN

To see if the Town will accept, receive, or resolve to endorse the Community Preservation Plan adopted by the Community Preservation Committee; or take any action related thereto.

(Inserted at the request of the Community Preservation Committee)

As the Board will recall, following the adoption of the Community Preservation Act (“CPA”), 2015 Town Meeting created Arlington’s Community Preservation Committee (“CPC”). As part of its duties, the CPC is required to develop a Community Preservation Plan, presently in draft form. It is my understanding that the CPC intends to present their Plan to Town Meeting to garner its endorsement, similar to last year’s presentation of the Master Plan.

STM ARTICLE 6

MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL: BOND AUTHORIZATION FOR MINUTEMAN SCHOOL CONSTRUCTION

To see if the Town will vote to approve debt authorized by vote of the Minuteman Regional Vocational Technical School District for the purpose of paying Arlington's apportioned capital costs for the construction of a new Regional Vocational Technical School building in Lincoln Massachusetts, the design for which having been approved by the Regional School Committee, said sum to be expended at the direction of the Minuteman School Building Committee; or take any action related thereto.

(Inserted at the request of the Town Manager)

This article was inserted in the Special Town Meeting Warrant at the request of the Town Manager to allow Town Meeting to vote on whether or not it will authorize bonding requested by the Minuteman Regional Vocational Technical School (hereinafter "Minuteman") for the purposes of a capital construction project to build a new school under M.G.L. c. 71 §16(d) via letter to member communities on March 16, 2016.

It is my understanding that this matter remains under active discussion and that a vote on this article is not yet ripe. However, for the Board's information, permit me to highlight the following:

1. The New Minuteman Regional Agreement was approved by DESE and is now in effect with two caveats. First, certain provisions, including the methodology for calculation of capital costs are, by the language of the agreement, operative starting on July 1, 2016. Second, even though the amended agreement allowed for withdraw of certain member communities from the Agreement, their effective exit date is July 1, 2017.
2. Under the New Regional Agreement, Minuteman is required to seek authorization for incurring debt under M.G.L. c. 71 §16(d), before pursuing a member community wide ballot question to approve debt under c. 71 §16(n). Under §16(d), if any one community votes against incurring debt at its Town Meeting, the measure fails and a ballot question presents Minuteman's only means of authorizing debt to be incurred by its members.

3. Under §16(n) only a simple majority of Minuteman member community voters approving debt at the ballot is required.
4. However, should a ballot question pass in the Minuteman member community-wide bally, but *also be rejected by the majority of voters in Arlington*, the Town *may* insulate itself from such debt by promptly sending a notice of withdrawal from the Minuteman Regional School District consistent with the process outlined in the New Regional Agreement.

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
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TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

March 23, 2016

Dear Registered Voter:

The Board of Selectmen will meet on Monday, April 4, 2016 at 7:15 p.m., Selectmen's Chambers, 2nd Floor, Town Hall, to discuss the Warrant Article petition that you signed.

Article 29 Removal of Easement Restriction
(tabled from 3.7.16 meeting)

Please feel free to contact Mary Ann or Fran in my office at the above number to confirm or if you require any further information.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr

ARTICLE 29**REMOVAL OF EASEMENT RESTRICTION**

To see if the Town will vote to abandon the easement/building lines as may exist upon the real property located at the corner of 54 Pleasant View and Spring Street, as taken and established on April 6, 1942 and recorded at Middlesex South Registry of Deeds Book 6591, page 1 and as shown as lots 83 and 84 on a Plan filed with the taking being Plan No. 213 of 1942, determine the contingencies that will be attached to said release; or take any action related thereto.

(Inserted at the request of David D. Dolan and ten registered voters)

Mr. & Mrs. David Dolan
51 Robin Hood Road
Arlington, MA 02474

Bill Hayner
19 Putnam Road
Arlington, MA 02474

Gordon Jamieson Jr.
163 Scituate Street
Arlington, MA 02476

Judith Epstein Leich
6 Chapman Street
Arlington, MA 02476

Mr. & Mrs. David Leone
53 Irving Street
Arlington MA 02476

Pauline Leone
51 Irving Street
Arlington, MA 02476

Suzanne Leone
7 Winter Street
Arlington, MA 02474

Puvi Patwari
6 Adamian Park
Arlington, MA 02474

Elizabeth & Ronald Pizzano
11 Jeffrey Road
Arlington, MA 02474

ARLINGTON LEGAL DEPARTMENT



Douglas W. Heim
Town Counsel

**AGREEMENT IN PRINCIPLE RE:
RELEASE OF TOWN OF ARLINGTON EXTERIOR LINES AT 55 VENNER ROAD**

This Agreement in Principal ("Agreement") is entered into as of the date of the latest signature below between the Town of Arlington through its Board of Selectmen and David D. Dolan and Sara Q. Dolan. It is the understanding of the parties that the Agreement is subject to the approval by a two-third majority vote of Arlington Town Meeting, and will have no effect whatsoever, nor be binding in any way absent such approval.

WHEREAS, David D. Dolan and Sara Q. Dolan by virtue of a deed recorded in the Middlesex South Registry of Deeds in Book 65878, page 207 dated August 7, 2015 is the record owner of the property located at to corner 54 Pleasant View Rd. and Spring St, which property is show on Map ?, Block ?, Lot /, and Lot - ?, on Plans of the Town of Arlington, Board of Assessors; and

WHEREAS, the property is encumbered by exterior building lines as taken and established by the Town of Arlington by an Order of Taking dated April 6, 1942, and recorded at the Middlesex South Registry of Deeds in Book 6591, Page 1, and as shown on a Plan filed with the taking as Plan No. 213 of 1942 as lots 83 and 84; and

WHEREAS, a proposal to remove such exterior lines has been set forth in the Town of Arlington 2016 Warrant as Warrant Article No. 29; and

WHEREAS, the Dolans certifies that the abutting property owners have been notified of the Trust's request to the Town of Arlington to release the exterior lines; and

WHEREAS, M.G.L. c. 40 §15 permits the release of such exterior lines for a minimum price and any set conditions by a two-thirds approval of Town Meeting, and subsequent conveyance by the Board of Selectmen, now therefore, **provided that the 2016 Annual Town Meeting, a quorum being present, votes by not less than a two-thirds majority to release such exterior lines**, the Town of Arlington and the Dolans agree as follows:

1. The Town of Arlington shall forthwith forever release and abandon its exterior lines taken and held on April 6, 1942 on and over the entire property located at the corner of 54 Pleasant View Rd. and Spring St
2. The Dolans will bear any and all costs and fees associated with recording the Deed of Release and Abandonment of the exterior lines located at the corner of 54 Pleasant View Rd. and Spring St, including the Trust's attorney fees.
3. The Dolans will pay to the Town of Arlington the sum of **Twenty Eight Thousand Dollars (\$28,000.00)**, upon the execution of the release of the exterior lines upon the property described herein.

Whereupon the parties hereto have affixed their signatures evidencing their agreement to the above provisions this _____ day of April 2016.

TOWN OF ARLINGTON,

By: _____
David A. Dolans

By: _____
Adam W. Chapdelaine, Town Manager

TOWN OF ARLINGTON



Report to Annual Town Meeting 2016 Article 32 Endorsement of CDBG Application

We are pleased to submit the Community Development Block Grant application for program year 42 (July 1, 2016 through June 30, 2017). Applications were due on February 16, 2016 and reviewed on February 22, 2016 at the Board of Selectmen's public hearing. The CDBG Sub-Committee met on March 7, 2016 and March 23, 2016 to review the applications and develop the following budget for the use of CDBG funds. This memorandum describes each of the requests and the recommended budget allocations.

The Town of Arlington expects to receive **\$1,033,162** in new grant funds from the U.S. Department of Housing and Urban Development for the period July 1, 2016 through June 30, 2017. This is a reduction of **\$9,186** from the current year's allocation. Requests for funds totaled **\$1,845,633** therefore necessitating reductions in allocations. Many of the programs and activities are a continuation of ongoing programs and activities.

The Town also estimates that it will receive an additional **\$104,000** in Program Income generated by the Arlington Home Improvement Loan Program. HUD regulations allow 15% of program income to be allocated to the public services category and the Town will utilize this income to offset the loss in CDBG funding.

The following is a summary of the requests for funds and the corresponding recommended allocations. All requests have been placed into one of five categories: *Housing/Rehabilitation, Public Services, Public Facilities and Improvements, Planning, and Administration.*

Projects/activities must meet **ONE** of the following HUD National Objectives:

Low/Moderate Income Area Benefit (LMA): the project/activity meets the needs of persons residing in an **area** where at least 51% of the residents are low or moderate income persons.

Low/Moderate Income Clientele (LMC): the activity benefits a group of persons (rather than residents in a particular area) 51% of whom are low or moderate income persons. The following

groups are presumed to be Low/Moderate: abused children, battered spouses, elderly persons, and adults meeting the **U.S. Bureau of Census' Current Population Reports** definition of "severely disabled," homeless persons, illiterate adults and persons living with AIDS.

Low/Moderate Housing (LMH): The project will provide or improve permanent residential structures which, upon completion, will be occupied by low and moderate income households. This includes but is not limited to acquisition or rehabilitation. Housing can be either owner or renter occupied units in one family or multi-family structures.

Slum or Blighted Area (SBA): the project is in a designated slum/blighted area as defined under State or local law and will address conditions that qualified the area as slum or blighted.

Spot Blight (SBS): the project will prevent or eliminate specific conditions of blight or physical decay outside a slum area. Activities are limited to clearance, historic preservation, rehabilitation of buildings, but only to the extent necessary to eliminate conditions detrimental to public health and safety.

Board of Selectmen
Town Manager

**Community Development Block Grant
Annual Action Plan
July 1, 2016- June 30, 2017**

REHABILITATION/HOUSING

Affordable Housing Program: This request for \$527,121 will allow the Town to continue creating affordable housing. Funds will be used to purchase additional units of permanently affordable housing during the year, for possible brownfields site clean-up for redevelopment of affordable units and for capital improvements to existing affordable rental housing owned by the Housing Corporation of Arlington. An allocation of \$12,121 is included as partial salary for the Director of Housing. Funding is recommended at \$342,288.

Arlington Home Improvement Loan Program: A request for \$325,000 has been submitted by the Arlington Home Rehabilitation Office to continue a loan program that assists residential homeowners of one- to four-family residences in the renovation of their properties. The Arlington Home Improvement Loan Program (AHILP) offers financial assistance to low and moderate-income residents by providing low interest (1.75 %) and deferred payment loans with CDBG funds. The loans enable the owners to make repairs and correct violations of existing building, health and safety code standards and abate lead-based paint. The Arlington Home Rehabilitation Office also provides technical and contractor procurement services. Funding is recommended at \$225,000.

PUBLIC SERVICES

Adult Day Health Center Scholarships: The Council on Aging requested \$10,000 to continue the Adult Day Health Center Scholarship Program, which is operated by Cooperative Elder Services, Inc. The program provides a safe and therapeutic adult day care service at a very low cost for those who, due to physical and/or psychological limitations, cannot be left alone at home. Clients are brought to a safe and supportive environment at a day care facility in the Multipurpose Senior Center. Funding is recommended at \$4,000.

AHS Athletic Scholarships: This request for \$13,000 by the Arlington High School Athletic Department to continue an athletic scholarship program at Arlington High School. The funds will be used for income-eligible students who cannot afford to pay the annual activity fee for various athletic programs offered. Funding is recommended at \$8,000.

Arlington EATS/ Thompson School: Arlington EATS requested \$6,000 to provide free meals to students. This program offers lunch four days a week during summer and school vacation weeks, sends students home with staple foods in Weekend Food Bags, and provides snacks for students during the school day. Funding is recommended at \$2,250.

Arlington Youth Counseling Center: The Arlington Youth Counseling Center (AYCC) requested \$20,000 to subsidize the costs of counseling services to income eligible households. Ninety percent

(90%) of AYCC clients qualify under the low- and moderate-income guidelines. The AYCC provides various counseling services including individual, group and family therapy, emergency services, crisis intervention services and referral services. The CDBG allocation defrays the cost of out-of-pocket expenses that are not covered by a client's insurance or is used for children and families that are without support or cannot afford the fee scale. Funding is recommended at \$5,000.

Boys & Girls Club Scholarships: The Arlington Boys & Girls Club requested \$20,000 to continue awarding scholarships to households who participate in Boys & Girls Club activities. The program provides financial assistance to households with limited resources for such activities as after school care, summer camp, instructional classes and preschool. Each applicant must be income eligible, meeting low to moderate income requirements. Each recipient is also required to share in the cost of the program, based on their ability to pay. Funding is recommended at \$14,500.

COA Transportation Program: The Council on Aging requested \$65,059 to fund the transportation services that are offered to Arlington seniors. The transportation program brings seniors to medical appointments and local stores, helping seniors remain independent and active in the community. Funding is recommended at \$35,000.

COA Volunteer Services Coordinator: The Council on Aging requested \$56,253 to fund the position of Volunteer Services Coordinator. The Coordinator works directly for the Council on Aging to organize program activities and to recruit and supervise volunteers who provide services throughout the community. The development of public relations and special programs, many of which interface with other COA services, is an ongoing focus of this position. The Volunteer Services Coordinator also acts as the coordinator of the COA transportation program. The funds received will be used for the base salary of the staff person plus all fringe benefits. Funding is recommended at \$53,530.

FoodLink Inc. Healthy Meals Program: FoodLink requested \$10,000 in funding to provide healthy food to elders, low-income families with children and people with disabilities. FoodLink provides fresh fruit, vegetables, dairy, and bread one to four times a week to residents in various locations in Arlington. Funding is recommended at \$2,250.

Jobs, Jobs, Jobs Program: This is a combined request submitted by the Arlington Boys & Girls Club and the Fidelity House for \$10,000 to provide human service jobs for teens. The program targets income-eligible youth in grades nine, ten and eleven. The teens will be employed as recreation assistants at each agency and will provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, skills in childcare and recreation leadership skills. A portion of the funds are used to hire a program coordinator who screens applicants, makes appropriate placements, supervises and evaluates the program. The remaining funds will be used to pay the recreation assistants. All teens will be paid the same hourly fee. Funding is recommended at \$10,000.

Menotomy Manor Homework Support Program: This request by Operation Success for \$6,000 will pay for the operating costs of a homework support program for junior high school students living in Menotomy Manor, an Arlington Housing Authority property. Trained volunteers, active and retired teachers from the community, provide homework tutoring. Anticipated operating costs include computer supplies and maintenance, schoolwork supplies, phone line, internet access, and parent program consultation. Funding is recommended at \$6,000.

Menotomy Manor Outreach Program - Fidelity House: This request from the Fidelity House seeks \$16,000 to help defray the cost of programs that the Fidelity House manages for the low-income families of Menotomy Manor. The Menotomy Manor Outreach Program was created to directly address the developmental needs of Arlington's low-income youth and help assimilate them into the community. The program includes free transportation to and from Fidelity House, free memberships, participation in all youth programs, on-site programming, and camp memberships for Summer Day Camp. The program's goal is to continue to provide a quality program for 5 to 18-year-olds. Funding is recommended at \$14,000.

Recreation Department Ican Shine Learn to Bike Program: The Arlington Parks and Recreation Department requested \$1,200 to provide financial assistance to disabled persons ages eight and older for the purpose of learning how to ride a bike. No funding is recommended at this time.

Recreation Department Program Scholarships: The Arlington Parks and Recreation Department requested \$17,000 to continue a scholarship program for activities offered by the Recreation Department. The program provides income-eligible households an opportunity to participate in recreation programs by providing financial assistance to offset the cost of program fees. Funding is recommended at \$13,000.

Vision 2020 (Community Volunteers for Community Initiatives): This request for \$3,000 to continue the annual town Census Insert Survey. Data collected from this survey inform policy-setting for the town and other planning activities. Funding is recommended at \$3,000.

PUBLIC FACILITIES AND IMPROVEMENTS

ADA Compliance-Curb Cuts: The Arlington Commission on Disability requested \$150,000 to construct and reconstruct curb cut ramps in compliance with the Americans with Disability Act for the purpose of improving access and pedestrian safety for the elderly and disabled. For the past five years, the annual allocation was \$125,000. A balance of \$81,000 is available from reprogrammed CDBG funds. These funds will be spent on this activity. Funding is recommended at \$44,000 to fill the funding gap and bring the total to \$125,000.

ADA Park Compliance Program- Thorndike Playground: The Arlington Parks and Recreation Department requested \$25,000 to upgrade properties under the Park Commission jurisdiction that are not funded through the Capital Plan. No funding is recommended at this time.

Menotomy Manor Life and Skills Building and Drake Village: This request by the Arlington Housing Authority (AHA) for \$350,000 is to build a Life & Skills Center at 2 Freemont Court, in the Menotomy Manor Development and rehab to Drake Village. Currently, two three-bedroom units are used to run programs that benefit the residents of Menotomy Manor and will revert to affordable housing when this project is complete. The Center would offer a larger and more efficient space for existing programs and allow for additional programs such as banking and finance classes, computer training classes, and job search skills classes in an effort to make families of Menotomy Manor more self-sufficient. The Center would also house the present substation of the Arlington Police Department and the AHA on site Management Office at Menotomy Manor. The Community Preservation Committee has recommended an allocation of \$200,000 of Community Preservation Act funds to be allocated towards the Drake Village portion of this project. To fill the funding gap, funding is recommended at \$150,000.

PLANNING

Master Plan Zoning and Planning Studies: This request for \$75,000 will partially fund the tasks and services necessary for comprehensive master planning for the Town, including recodification of the Zoning Bylaw. Funding is recommended at \$50,000.

Planners: This request for \$45,000 to partially fund the position of Director of Housing and partially fund a Planner. Both positions serve under the Director of Planning and Community Development. The Director of Housing is responsible for developing affordable housing and a housing plan for the Town. The Planner performs a multitude of CDBG-related planning tasks, including work on historical matters, land and open space issues. Funding includes salary plus fringe benefits, which are reimbursed to the Town. Funding for this position is recommended at \$45,000.

ACAC Cultural Plan: This request for \$15,000 for the Arlington Committee on Arts and Culture will focus efforts on maintaining and growing arts programming and arts and culture organizations in Arlington. Funding is recommended at \$5,000.

ADMINISTRATION

General Administration: \$15,000 is requested for the operating and administrative costs of the CDBG program. This budget item provides for costs of overall program management, coordination, monitoring, and evaluation. Funding is recommended at \$15,000.

Grants Administrator: This request for \$65,000 funds the position of Grants Administrator who serves under the Director of Planning and Community Development. The Grants Administrator works in the Department of Planning and Community Development and is responsible for the daily financial administration of the CDBG program and coordination of grant activities with program directors. Related costs include salary and reimbursement to the Town for fringe benefits. Funding for this position is recommended at \$84,000.

**WARRANT ARTICLE 32 - ANNUAL TOWN MEETING, APRIL 2016
COMMUNITY DEVELOPMENT BLOCK GRANT - PROGRAM YEAR 42 (7/1/16-6/30/17)**

		Amount Requested	Compliance with Nat'l Objectives Section 570.200(a)(2)*	Town Manager Board of Selectmen Preliminary Budget
REHABILITATION/HOUSING				
1.	Affordable Housing Program	\$ 527,121	LMH	\$ 342,288
2.	Arlington Home Improvement Loan Program	\$ 325,000	LMC	\$ 225,000
	Total	\$ 852,121		\$ 567,288
PUBLIC SERVICES				
1.	Adult Day Health Center Scholarships	\$ 10,000	LMC	\$ 4,000
2.	AHS Athletic Scholarships	\$ 13,000	LMC	\$ 8,000
3.	Arlington EATS/ Thompson School	\$ 6,000	LMA	\$ 2,250
4.	Arlington Youth Counseling Center	\$ 20,000	LMC	\$ 5,000
5.	Boys and Girls Club Scholarships	\$ 20,000	LMC	\$ 14,500
6.	COA Transportation Program	\$ 65,059	LMC	\$ 35,000
7.	COA Volunteer Services	\$ 56,253	LMC	\$ 53,530
8.	FoodLink, Inc. Healthy Meals Program	\$ 10,000	LMC	\$ 2,250
9.	Jobs, Jobs, Jobs Program (ABGC, FH)	\$ 10,000	LMC	\$ 10,000
10.	Menotomy Manor Homework Support Program	\$ 6,000	LMA	\$ 6,000
11.	Menotomy Manor Outreach Program- Fidelity House	\$ 16,000	LMA	\$ 14,000
12.	Recreation Department Ican Shine Bike Program	\$ 1,200	LMC	\$ -
13.	Recreation Department Program Scholarships	\$ 17,000	LMC	\$ 13,000
14.	Vision 2020 (Community Volunteers for Community Initiatives)	\$ 3,000	Exempt Activity	\$ 3,000
	Total	\$ 253,512		\$ 170,530
PUBLIC FACILITIES AND IMPROVEMENTS				
1.	ADA Compliance Program-Curb Cuts	\$ 150,000	LMC	\$ 44,000
2.	ADA Compliance Program- Thorndike Playground	\$ 25,000	LMC	\$ -
3.	Menotomy Manor Life and Skills Building and Drake Village	\$ 350,000	LMA	\$ 150,000
	Total	\$ 525,000		\$ 194,000
PLANNING				
1.	Master Plan Zoning and Planning Studies	\$ 75,000	Exempt Activity	\$ 50,000
2.	Planners	\$ 45,000	Exempt Activity	\$ 45,000
3.	ACAC Cultural Plan	\$ 15,000	Exempt Activity	\$ 5,000
	Total	\$ 135,000		\$ 100,000
ADMINISTRATION				
1.	General Administration	\$ 15,000	Exempt Activity	\$ 15,000
2.	Grants Administrator (Salary + Benefits)	\$ 65,000	Exempt Activity	\$ 84,000
	Total	\$ 80,000		\$ 99,000
TOTAL ALL REQUESTS		\$ 1,845,633		\$ 1,130,818

2016/2017 Allocation	1,033,162
Estimated Program Income	104,000
Total Funds Available	1,137,162

*HUD National Objectives are defined on page 1 and 2



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02476

2016 MAR 15 PM 1:14

February 16, 2016

Mr. Kevin Greeley
Chairperson of Arlington
730 Massachusetts Ave
Arlington, MA 02476-4908

Dear Chairperson Greeley:

I am pleased to inform you of your jurisdiction's Fiscal Year (FY) 2016 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low and moderate-income persons and special populations across the country. President Obama signed Public Law 114-113 on December 18, 2015, which includes FY 2016 funding for these programs. Your jurisdiction's FY 2016 available amounts are:

Community Development Block Grant (CDBG)	\$1,033,162
HOME Investment Partnerships (HOME)	\$ 0
Housing Opportunities for Persons with AIDS (HOPWA)	\$ 0
Emergency Solutions Grants (ESG)	\$ 0

This letter highlights several important points related to these programs. First, Secretary Julián Castro is committed to making HUD the "Department of Opportunity" and has established a number of initiatives intended to achieve that goal. In 2015, we celebrated the 50th anniversary of the Department's establishment, and these initiatives build on HUD's mission to promote homeownership, support community development, and increase access to affordable housing free from discrimination. The Department is working hard with grantees on these key goals and urges you to review the entire plan at: <http://portal.hud.gov/hudportal/HUD?src=/hudvision>. In an era when the nation's severe shortage of affordable rental housing creates substantial housing instability—contributing to homelessness, family mobility and unequal educational attainment—I am particularly interested in working with grantees to increase affordable housing production through our CPD formula programs.

Second, HUD recommends that grantees effectively plan and implement programs that leverage these critical Federal financial resources to achieve the greatest possible return for the communities and individuals they are intended to assist.

- HUD urges grantees to consider using CDBG funds, to the extent possible, to support investments in predevelopment activities for infrastructure and public facilities activities that can provide multiple benefits for communities.
- HUD has created a Renewable Energy Toolkit specifically tailored to CPD grantees. To the extent that grantees are interested in using funds for renewable energy projects, please feel free to access that toolkit online at www.hudexchange.info.
- If you would like assistance from CPD in redesigning, prioritizing or targeting your programs,

either you or the head of the agency that administers your program may request assistance through your local CPD Director.

Third, CPD is asking grantees to renew their focus on administration and management of these programs as part of an effort to ensure effective use of the funds. Throughout 2016, CPD and HUD's Office of the Inspector General expect to issue a range of guidance that will highlight particular areas where grantees commonly stumble. I urge grantees to actively review their policies and procedures governing these programs and to strengthen management practices, particularly with regard to recordkeeping, in order to avoid problems and risk this vital funding. This focus on administration is particularly critical because the Integrated Disbursement and Information System (IDIS), which is HUD's financial and data system for managing these formula programs, will no longer commit and disburse grant funds on a first-in first-out (FIFO) basis beginning with the FY 2015 grants. All FY 2015 and future grants will be committed and disbursed on a grant specific basis.

The Office of Community Planning and Development is looking forward to working with you to promote simple steps that will enhance the viability and performance of these critical programs and successfully meet the challenges that our communities face. Please contact your local CPD office if you or your staff has any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Harriet Tregoning", with a stylized flourish at the end.

Harriet Tregoning
Principal Deputy Assistant Secretary

**27 JASON STREET
ARLINGTON, MASSACHUSETTS 02476**

TELEPHONE (781) 646-8303

JWORDEN@SWWALAW.COM

March 8, 2016

Board of Selectmen
Town Hall
Arlington,, Massachusetts 02476

Mrs. Mahon & Gentlemen:

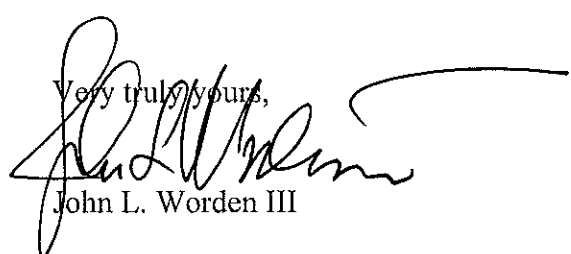
When I saw "PUBLIC HEARINGS" for CDBG performance update for 2015-16 and requests for FY 2016-17 on your agenda for February 22 (items 4 and 5), I assumed that there would be an opportunity for the public to participate. As you may recall, that did not occur. Accordingly, I am writing to provide my comments.

With respect to grant allocations for 2016-17, it should be a condition that the recipients agree to follow all Arlington laws – the Zoning By-Law, the Historic District By-Law, and the general By-Laws. The impetus for this request is that Housing Corporation of Arlington (HCA), despite knowing that Town Meeting had twice voted resolutions against the use of Chapter 40B in our Town, used funds allocated by the Town on a 40B project, even hiring a 40B lawyer from Cape Cod to appear multiple times before the Zoning Board of Appeals.

As HCA also knows or should know, they could have asked Town Meeting for a map change to extend the high density residential zone on the south side of Lowell Street to cover the property they bought (zoned R-1) between Lowell Street and Westminster Avenue. HCA has heretofore done a lot of good work in the Town, utilizing the six or seven million dollars that has been allocated to them over the years, and I certainly have no objection to converting the former church structure into affordable housing. But to seek that goal via 40B instead of in accordance with the laws we have made to regulate development in our community was both insulting and unnecessary - and ironic when you consider other worthy applicants seeking not millions, but a few thousand dollars for their programs.

Although we are presumably safe from 40B under the 1.5 per cent criterion, imposing such a condition for future recipients who may be tempted to bite the hand that feeds them would be prudent.

Very truly yours,


John L. Worden III

cc: Ms. Raitt

FY2017 REVOLVING FUNDS FOR WARRANT ARTICLE

Private Way Repairs: Originally established under Article 46, 1992 Annual Town Meeting
FY2017 expenditures not to exceed \$200,000

Beginning Balance, 7/1/14	\$50,858.67
Receipts	36,856.17
Expenditures	0.00
Ending Balance, 7/1/15	\$87,714.84

Public Way Repairs: Originally established under Article 45, 1992 Annual Town Meeting
FY2017 expenditures not to exceed \$5,000

Beginning Balance, 7/1/14	\$168.40
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$168.40

Fox Library Community Center Rentals: Originally established under Article 49, 1996 Annual Town Meeting
FY2017 expenditures not to exceed \$20,000

Beginning Balance, 7/1/14	\$15,068.13
Receipts	2,020.00
Expenditures	314.78
Ending Balance, 7/1/15	\$16,773.35

Robbins House Rentals: Originally established under Article 77, 1997 Annual Town Meeting
FY2017 expenditures not to exceed \$75,000

Beginning Balance, 7/1/14	\$31,893.61
Receipts	45,846.96
Expenditures	58,647.15
Ending Balance, 7/1/15	\$19,093.42

Conservation Commission Fees: Originally established under Article 44, 1996 Annual Town Meeting
FY2017 expenditures not to exceed \$10,000

Beginning Balance, 7/1/14	\$2,742.54
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$2,742.54

Uncle Sam Fees: Originally established under Article 31, 2000 Annual Town Meeting
FY2017 expenditures not to exceed \$2,000

Beginning Balance	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$1,526.31

FY2017 REVOLVING FUNDS FOR WARRANT ARTICLE

Life Support Services (Ambulance) Fees: Originally established under Article 37, 2001 Annual Town Meeting
Expenditures not to exceed \$800,000

Beginning Balance, 7/1/14	\$405,815.24
Receipts	670,729.13
Expenditures	529,395.91
Ending Balance, 7/1/15	\$547,148.46

Board of Health Fees: Originally established under Article 30, 2005 Annual Town Meeting
FY2017 expenditures not to exceed \$100,000

Beginning Balance 7/1/14	\$65,529.70
Receipts	61,917.41
Expenditures	70,727.17
Ending Balance, 7/1/15	\$56,719.94

Field User Fees: Originally established under Article 78, 2004 Annual Town Meeting
FY2017 expenditures not to exceed \$80,000

Beginning Balance, 7/1/14	\$63,848.53
Receipts	37,016.50
Expenditures	77,475.46
Ending Balance, 7/1/15	\$23,389.57

Robbins Library Rentals: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$8,000

Beginning Balance 7/1/14	\$21,696.10
Receipts	8,300.00
Expenditures	3,409.90
Ending Balance, 7/1/15	\$26,586.20

Town Hall Rentals: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$100,000

Beginning Balance, 7/1/14	\$14,534.54
Receipts	123,677.11
Expenditures	68,057.64
Ending Balance, 7/1/15	\$70,154.01

White Goods Recycling Fees: Originally established under Article 35, 2006 Annual Town Meeting
FY2017 expenditures not to exceed \$80,000

Beginning Balance, 7/1/14	\$45,109.39
Receipts	23,568.77
Expenditures	11,272.24
Ending Balance, 7/1/15	\$57,405.92

FY2017 REVOLVING FUNDS FOR WARRANT ARTICLE

Library Vending Fees: Originally established under Article 34, 2009 Annual Town Meeting
FY2017 expenditures not to exceed \$25,000

Beginning Balance, 7/1/14	\$4,873.93
Receipts	10,115.50
Expenditures	10,244.55
Ending Balance, 7/1/15	\$4,744.88

Gibbs School Energy Fees: Originally established under Article 45, 2010 Annual Town Meeting
FY2017 expenditures not to exceed \$120,000

Beginning Balance, 7/1/14	\$36,459.27
Receipts	104,728.67
Expenditures	107,017.08
Ending Balance, 7/1/15	\$34,170.86

Cemetery Chapel Rentals: Originally established under Article 52, 2011 Annual Town Meeting
Expenditures not to exceed \$15,000

Beginning Balance, 7/1/14	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$0.00

Council On Aging Program Fees: Originally established under Article 28, 2013 Annual Town Meeting
Expenditures not to exceed \$25,000

Beginning Balance, 7/1/14	\$4,320.94
Receipts	12,722.56
Expenditures	12,472.15
Ending Balance, 7/1/15	\$4,571.35

FY2015 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Private Way Repairs:</u>	
Total Expenditures	\$0.00
<u>Pubilc Way Repairs:</u>	
Total Expenditures	\$0.00
<u>Fox Library Community Center Rentals:</u>	
supplies	\$314.78
Total Expenditures	\$314.78
<u>Robbins House Rentals:</u>	
personnel	\$21,924.92
supplies	\$3,509.04
maintenance	\$12,043.96
utilities	\$19,708.79
contracted services	\$1,460.44
Total Expenditures	\$58,647.15
<u>Conservation Commission Fees:</u>	
Total Expenditures	\$0.00
<u>Uncle Sam Fees:</u>	
Total Expenditures	\$0.00
<u>Life Support Services (Ambulance) Fees:</u>	
general fund offset (personnel)	\$131,415.00
contracted services	\$348,124.90
capital offset	\$47,600.00
patient reimbursements	\$2,256.01
Total Expenditures	\$529,395.91
<u>Board of Health Fees:</u>	
personnel	\$35,144.66
supplies	\$6,671.04
contracted services	\$26,656.36
dues/subscriptions/training	\$55.00
other expenses	\$2,200.11
Total Expenditures	\$70,727.17

Revolving Fund	Amount
<u>Field User Fees:</u>	
supplies	\$175.46
maintenance	\$77,300.00
Total Expenditures	\$77,475.46
<u>Robbins Library Rentals:</u>	
maintenance	\$2,677.50
equipment	\$732.40
Total Expenditures	\$3,409.90
<u>Town Hall Rentals:</u>	
supplies	\$3,735.43
personnel	\$46,847.84
maintenance	\$1,930.00
contracted services	\$15,544.37
Total Expenditures	\$68,057.64
<u>White Goods Recycling Fees:</u>	
equipment & materials	\$11,272.24
Total Expenditures	\$11,272.24
<u>Library Vending Fees:</u>	
supplies	\$2,008.82
equipment	\$3,039.33
contracted services	\$5,196.40
Total Expenditures	\$10,244.55
<u>Gibbs School Energy Fees:</u>	
utilities	\$107,017.08
Total Expenditures	\$107,017.08
<u>Cemetery Chapel Rentals:</u>	
Total Expenditures	\$0.00
<u>Council on Aging Program Fees:</u>	
contracted services	\$12,472.15
Total Expenditures	\$12,472.15



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 21: Bylaw Amendment/Arlington Commission on Arts and Culture Membership

Article 23: Bylaw Amendment/Electronic Distribution of Notices and Materials

Article 24: Bylaw Amendment/Camping on Public Property

Article 30: Transfer of Town Property/1 Gilboa Road

Article 59: Resolution/Handicap Parking Spaces

ATTACHMENTS:

Type	File Name	Description
		Final Votes & Comments Articles #21, #30,#59, and Revised Vote & Comment for Article #24
Reference Material	3.31_Memo_to_BOS_re_Final_Votes_and_Comments_on_2016_Articles_21__24__30__and_59.pdf	
		Final Vote & Comment Article #23
Reference Material	Draft_Final_Vote_and_COMment_re_2016_Town_Meeting_Article_23_(00018062).docx	



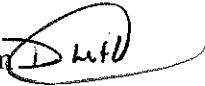
**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

MEMORANDUM

TO: Board of Selectmen

FROM: Douglas W. Heim 

DATE: March 31, 2016

RE: **Votes and Comments for Articles: 21, 30, 59 and revised Vote and Comment
Re: Article 24**

I write to provide the Board the following as draft Final Votes and Comments for your consideration at the April 4, 2016 Board of Selectmen meeting regarding the previously heard, above-referenced warrant articles.

**ARTICLE 21 BYLAW AMENDMENT/ARLINGTON COMMISSION ON ARTS
AND CULTURE MEMBERSHIP**

VOTED: *That Title II, Article 8, Section 1 of the Town Bylaws be and hereby is amended by striking the word "seven" in the first paragraph and replacing it with the word "nine;" and further by striking the word "Six" in the first sentence of the second paragraph and replacing it with the word "Eight" so as to read as follows in relevant parts:*

ARTICLE 8: ARLINGTON COMMISSION ON ARTS AND CULTURE

Section 1. Establishment of Arlington Commission on Arts and Culture

There is hereby established an Arlington Commission on Arts and Culture, which shall consist of ~~seven~~ nine members all of whom shall be residents of the Town.

~~Six~~ Eight members, one of whom shall be a member of the Vision 2020 Culture and Recreation Task Group, shall be appointed by the Town Manager subject to the approval of the Board of Selectmen and one member shall be appointed by the School Committee...

(5-0)

COMMENT: This article requests a bylaw amendment to provide the Arlington Commission on Arts and Culture ("ACAC") with two (2) additional members, both to be appointed by the Town Manager, subject to the approval of the Board of Selectmen. ACAC requests the change in their membership for two reasons. First, ACAC is developing a cultural plan for Arlington, and also applying to the Massachusetts Cultural Council ("MCC") for a Cultural District designation. Both the cultural plan process and Cultural District process would benefit from additional members' efforts and talents.

Second, on a broader level, ACAC believes it would benefit from a larger Commission's additional voices and perspectives. The Selectmen value ACAC's work and endeavors and trust its assessment of its own needs. Accordingly, the Board respectfully requests Town Meeting's support for this straightforward bylaw amendment.

ARTICLE 24

BYLAW AMENDMENT/ CAMPING PROHIBITED ON PUBLIC PROPERTY

VOTED: That no action be taken under Article 24

(5-0)

COMMENT: Following multiple hearings on this warrant article, significant and diverse input from a host of Town committees and commissions, community groups, and concerned residents was received regarding the impact the proposed bylaw would have upon the homeless in Arlington. Specifically, the Arlington Human Rights Commission ("AHRC"), among many others, believes that more information regarding the extent and nature of the challenges facing the homeless should be cultivated prior to the adoption of any Town bylaw establishing a broad prohibition on camping. The Police Department, Health and Human Services Department, and other Town personnel welcome the aforementioned stakeholders to work with them to examine

the pertinent issues further, and share this Board's commitment to a robust and inclusive assessment of the needs of a vulnerable population.

Accordingly, this Board recommends a vote of no action with the understanding that we will establish a Task Force of the Board of Selectmen to investigate and report on the profile of Arlington's unsheltered, the resources available to assist the homeless, and the challenges posed to the community by encampments prior to next year's Town Meeting. The Task Force will also be charged with consulting the Somerville Homeless Coalition and developing feasible tools to balance support of the unsheltered with the health and safety concerns of the community at-large.

ARTICLE 30 TRANSFER OF TOWN PROPERTY/1 GILBOA ROAD

VOTED: That no action be taken under Article 25.

(3-0)

Mr. Dunn recused himself; Ms. Mahon abstained.

COMMENT: The Board of Selectmen appreciates the indisputable good intentions of the Article's proponent, which are to provide additional affordable housing in Arlington while also bolstering the Town's safe harbor status relative to G.L. c. 40B applications. However, the balance of the Board does not believe that the proposed transfer of the property in question to the Arlington Housing Authority is the best vehicle by which we can achieve either of those goals can be achieved, especially given the substantial opposition of Mt. Gilboa neighborhood residents.

ARTICLE 59

RESOLUTION/HANDICAP PARKING SPACES

VOTED: *Arlington Town Meeting is hereby resolved as follows:*

Given that Title II of the ADA does require that State and Municipalities must make all their programs and services accessible, and on-street parking is considered a public service, thus some number of accessible parking spaces are required to be accessible. Yet there is currently no precise number specified.

Given that the Town of Arlington should visibly be a community that welcomes diversity, including people with disabilities,

Given that U.S. Census figures, Vision 2020 Survey results, and Registry of Motor Vehicles statistics all verify a substantial (and growing) need for handicapped parking access in the Town of Arlington,

Given that demographic projections indicate that the residents of Arlington and surrounding communities will continue to need public handicapped parking in order to access the many retail and service establishments located in Arlington,

Therefore, so as to facilitate access for people with disabilities, the Town of Arlington embraces, supports and encourages the inclusion and designation of at least five percent (5%), and no more than ten percent (10%) overall, handicapped parking spaces in any on-street public parking located in commercial districts throughout the Massachusetts Avenue and Broadway business corridors, which encompasses Business Districts B1, 2, 3, 4, 5.

(5-0)

COMMENT: The Board unanimously supports the instant resolution, which is the product of thorough engagement of various community interest groups and Town Departments, and sets forth important, aspirational goals for the Town to enhance its support of disabled members of the community. These goals go further than state and federal law presently mandate. While not binding upon the Town, the resolution constitutes an affirmation of our commitments to improving access throughout Arlington's busiest corridor and a proactive way of informing future decisions.



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

MEMORANDUM

To: Board of Selectmen
John Leone, Moderator

Cc: Adam Chapdelaine, Town Manager

From: Douglas W. Heim, Town Counsel

Date: April 7, 2016

Re: Final Vote and Comment for Annual Town Meeting Warrant Article No. 23

I write to provide the Board of Selectmen a draft "Final Vote and Comment" for Article 23 in advance of the Board's April 11, 2016 Meeting.

ARTICLE 23

**BYLAW AMENDMENT/ELECTRONIC DISTRIBUTION
OF NOTICES AND MATERIALS**

VOTED: *That Title I, Article be and hereby is amended by adding section 12 "Electronic Distribution of Town Meeting Notices and Materials" to read in pertinent part as follows:*

ARTICLE 1: TOWN MEETINGS

Section 12. Electronic Distribution of Town Meeting Notices and Materials

Town Meeting Members may, by written confirmation, elect to receive electronic copies of annual and special town meeting warrants, reports of Town Boards, Committees, and Commissions, including the reports of the Board of Selectmen, the Finance Committee, the Capital Planning Committee, and the Arlington Redevelopment Board, as well as all other Town Meeting materials, including motions.

The timing of electronic distribution shall be made consistent with all local and state requirements for notice and distribution by paper copy. Compliance with this section shall constitute full legal notice of any Town Meeting or Election.

Written confirmation under this section shall require provision of a valid electronic mail address to the Town Clerk. Town Meeting Members may opt out of electronic distribution at any time by written notice to the Town Clerk.

5-0

COMMENT: The purpose of this article is to explicitly provide for the electronic distribution of Town Meeting materials to those members who wish to receive them in such fashion. The Board of Selectmen supports this measure as a means of efficiently providing members with warrants, reports, substitute motions, and other materials while also reducing costs and decreasing waste. It must be stressed that the proposed bylaw would only authorize distribution of electronic copies to Town Meeting members and officials who opt-in to receive their materials electronically. All other Town Meeting members would continue to receive paper copies.



Town of Arlington, Massachusetts

Letter to Mr. John Belskis re: 1 Gilboa Road Article 97 Status

Summary:

Douglas W. Heim, Town Counsel

ATTACHMENTS:

Type	File Name	Description
Reference Material	Letter_to_Mr_Belskis_from_Town_Counsel.pdf	Correspondence from D. Heim

TOWN OF ARLINGTON
LEGAL DEPARTMENT

DOUGLAS W. HEIM
TOWN COUNSEL



50 Pleasant Street
Arlington, MA 02476
781-316-3151
Fax: 781-316-03159

March 31, 2016

By First Class Mail

Mr. John Belskis
196 Wollaston Ave.
Arlington, MA 02476

Re: 1 Gilboa Road Article 97 Status

Dear John,

I write to respond to your letter dated March 22, 2016 regarding 1 Gilboa Road and Warrant Article 30, on which the Board of Selectmen issued a vote of no action at its March 21, 2016 Meeting. In your letter, you registered concern about my legal opinion that parcel in question is presently subject to Article 97 of the Massachusetts Declaration of Rights ("Article 97") protection. Specifically, citing Town of Hanson v. Lindsay, 444 Mass. 502 (2005) you expressed your view that because a conservation restriction was not recorded, the parcel is not entitled to conservation protection. For the reasons set forth fully herein, I maintain my view that 1 Gilboa Road is subject to Article 97's process and protections.

At the outset, permit me to note again my appreciation of our open and frank discussions about your proposal and your overall efforts to place it before the Selectmen, the Conservation Commission, and others. Your intentions here are clearly to ensure the Town is in the best position it can be relative to c. 40B applicants. Our disagreement is purely over the legal requirements to achieve the outcome you desire relative to the property in question.

In short, 1 Gilboa Road is subject to Article 97 protections because the Town indisputably acquired the parcel in question without any qualification for conservation purposes. The case you cite, Town of Hanson v. Lindsay, 444 Mass. 502 (2005), presents very different facts with distinct consequences. In that instance, the Town of Hanson acquired the parcel at issue via tax taking roughly 14 years before a vote of its Town Meeting in 1971 attempted designate such land as subject to a conservation restriction. The 1971 Hanson Vote specifically stated that the town would "accept for conservation purposes, a deed, or deeds," but no such

deed or deeds were ever generated or recorded to accept. *Id.* at 503. Subsequently, the Town of Hanson (through its Treasurer) sold the property at auction in 1998 to a bona fide purchaser of value who had no notice of any restriction of any kind.

Hence, both practically and legally, the property at issue in Hanson remained in ambiguous status because it was still considered a tax possession of that Town, leading the Court to find the “[t]he 1971 Vote [of Town Meeting] merely expressed the town’s interest in dedicating the locus to conservation purposes.” *Id.* at 508-509. As the Hanson Court described, “[n]othing in the specific language of this vote and no related circumstances suggest that the locus was placed under the custody and control of the [conservation] commission.” *Id.* at 506.

Here, the Town did not own 1 Gilboa Road when it voted to acquire it (rather than designate land it already owned) specifically for conservation purposes, which places the parcel in an entirely distinct posture from the start. Article 97 provides, in pertinent part:

“The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose...

Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.”

(emphasis added.)

Meanwhile, Arlington Town Meeting’s vote relative to 1 Gilboa Road stated in relevant part:¹

*“That the sum of \$675,000 be and hereby is appropriate for the acquisition for conservation purposes of that property commonly referred to as Mount Gilboa, said property after acquisition to be placed under the jurisdiction of the Conservation Commission...”*²

This, in and of itself is overwhelmingly likely to serve as sufficient basis for the courts, the legislature, the Executive Office of Energy and Environmental Affairs (“EOEA”), and our local Conservation Commission to deem 1 Gilboa Road protected by Article 97 with or without a restriction asserted in the deed, because under most circumstances Article 97 status only requires a land, “acquired for [conservation] purposes.”

¹ The full text of this vote, previously provided, is attached hereto.

² The vote continues to describe the property in question in further detail.

Furthermore, even if more were required, Arlington's intent to convey jurisdiction upon the Conservation Commission was unqualified and crystal clear. The Hanson Court took pains to contrast Arlington's present position from that of the Town of Hanson's, citing Harris v. Wayland, 392 Mass. 237, 241, (1984) and explaining "property placed under control of [Wayland's] school committee where warrant for special town meeting, 'coupled with all the attendant circumstances, was sufficient to indicate that the town intended to place the property in the charge of the school committee.'" Town of Hanson, at 506.

Thus, the three important distinctions between the circumstances here in Arlington and the facts presented in Hanson are:

- 1) Arlington's Town Meeting vote was to *acquire* 1 Gilboa Road specifically as conservation property;
- 2) Arlington's vote was unqualified, where Hanson's vote asserted the intent to "accept a deed, or deeds" which never came to fruition; and
- 3) Article 97 status is a specific kind of conservation protection which can be concurrent, but is not necessarily so, with the types of conservation restrictions which must be reflected in the type of deed contemplated by Hanson.

As such, a thorough reading of Hanson makes clear that the Hanson property was not subject to Article 97, *and also* not subject to a properly recorded conservation restriction of some other ilk. Moreover, Hanson does not and never has implied that a clear Town Meeting vote to acquire land for conservation purposes requires a recorded deed to afford Article 97 protection on such land.

I well appreciate the significance of this opinion to your article, the Selectmen's vote, and broader issues in Arlington. Accordingly, though I continue to be confident in my position on this matter, I took the unusual step of obtaining the opinion of the Town's Special Counsel for c. 40B matters, attorney Jon Witten. Mr. Witten concurs with this analysis and its conclusions on both the impact of Hanson and the status of 1 Gilboa Rd.

As a final matter, you noted at hearing additional concerns about other Town properties for which you could find no conservation restrictions. As noted above, whether or not a recorded conservation restriction is *necessary* to afford conservation protections depends on the details of how and why a given parcel was acquired or designated.³ If there are parcels which do not have recorded restrictions and are not clearly protected under Article 97, it is imperative to either file corrective or confirmatory deeds. Therefore, I would very much appreciate an opportunity to further discuss your findings and compare them with Conservation Commission files. This Office will also examine whether or not confirmatory deeds or recording Town Meeting votes as

³ Similarly, the sources of pertinent information may vary. With respect to 1 Gilboa Road, this Office performed a title search, reviewed past votes of Town Meeting, and examined archived files regarding the acquisition of the parcel.

adjunct to the deeds would be feasible for Article 97-covered properties, so as to avoid any ambiguities in the future.

Please contact me at your convenience so we may discuss your findings further.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'D. Heim', with a stylized flourish at the end.

Douglas W. Heim, Esq.
Arlington Town Counsel

cc: Arlington Board of Selectmen
Adam Chapdelaine, Town Manager



Town of Arlington, Massachusetts

Tobacco Compliance Check Violations

Summary:

James Feeney, Health Compliance Officer

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Feeney_CR.pdf	Feeney Correspondence



Town of Arlington
Department of Health and Human Services
Office of the Board of Health

27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Jim Feeney, Health & Human Services
Date: April 7, 2016
RE: Tobacco Compliance Check Violations

Please note the Board of Health is required to notify other licensing or permitting authorities of any violations of the Board of Health Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products ("Regulation"), in accordance with §P2 of the Regulation. Please find below a summary of the violations, and to follow a copy of the notices sent to offenders.

The Office of the Board of Health conducted compliance checks on March 16, 2016. A nineteen (19) year old male was recruited and trained by our Office to carry out the compliance checks. With the growing popularity among youth of eCigarettes (eCigs), the priority was to purchase "Blu" eCigs where available. If those were not available at the location, the buyer attempted to purchase a package of "Marlboro Red" cigarettes instead. If asked to show his identification, the buyer presented his own legitimate Massachusetts Driver's License indicating that he was, in fact, only nineteen years of age. Further, the identification clearly indicated the date which the male would be under 21 until.

The current Board of Health Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products ("Regulation") states "no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21)."

The following vendors completed a sale to the 19 year old buyer:

- **Little Joe's Convenience.** The sale of a "Blu" eCig was made at 9:06AM
- **Arlington Liquors.** The sale of a package of "Marlboro" cigarettes was made at 9:14AM
- **Boyle's Market.** The sale of a "Blu" eCig was made at 9:41AM
- **Christo's Fruit Market.** the sale of a package of "Marlboro" cigarettes was made at 9:59AM

These violations are the above-mentioned vendors' first violations since the new Regulation was implemented in July 2013. According to these regulations "violation[s] shall receive: In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days." At public hearings held on April 6th, the Board of Health voted unanimously to impose on all four (4) vendors the penalties listed above.



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

COPY

Tel: (781) 316-3170
Fax: (781) 316-3175

March 17, 2016

Hand Delivered
Ranbir Srai
206 Summer Street
Arlington, MA 02474

Re: *Little Joe's Convenience- Arlington, MA*
Notice of Violation
Notice of Hearing

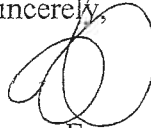
Mr. Srai:

On Wednesday March 16th, 2016, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Please be advised your establishment sold a 'Blu' eCigarette to a nineteen (19) year-old in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The violation occurred at approximately 9:06am. As this is your first sales violation after the effective date (July 1, 2013) of the aforementioned *Regulation*, you will find enclosed with this notice a \$100.00 fine.

You are also hereby ordered to attend a Board of Health Hearing on **Wednesday April 6th, 2016 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a final flourish.

James Feeney

Health Compliance Officer

jfeeney@town.arlington.ma.us

(781)-316-3169

cc: Christine Bongiorno, Director of Health and Human Services



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

COPY

Tel: (781) 316-3170
Fax: (781) 316-3175

April 7, 2016

Hand Delivered

Ranbir Srai
206 Summer Street
Arlington, MA 02474

Re: *Little Joe's Convenience- Arlington, MA
Suspension of Tobacco and Nicotine Delivery Product Sales Permit*

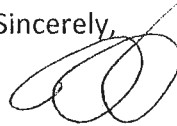
Mr. Srai:

This letter serves to document the decision rendered by the Board of Health at the hearing held on April 6, 2016 in response to a violation of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products ("Regulation") that occurred on March 16, 2016. At the hearing, the Board of Health voted unanimously to uphold a fine of one-hundred dollars (\$100.00) and impose a 7-day suspension of your Tobacco and Nicotine Delivery Product Sales Permit ("Permit") in accordance with section P 1(a) of the Regulation, which is to be served beginning Monday April 11th and continuing through the end of business on Sunday April 17th.

A future violation of the Regulation within thirty-six (36) months of the current violation may result in a fine of two-hundred dollars (\$200.00) and a suspension of your Permit for fourteen (14) consecutive business days. Please note the failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of the Regulation, and the sale or distribution of tobacco or nicotine delivery products directly to a consumer while your Permit is suspended may result in the

suspension of all permits issued by the Board of Health for thirty (30) consecutive business days. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

James Feeney
Health Compliance Officer
(781) 316-3170
jfeeney@town.arlington.ma.us

cc: Christine Bongiorno, Director of Health and Human Services



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

COPY

Tel: (781) 316-3170
Fax: (781) 316-3175

April 7, 2016

Hand Delivered

Alexander Kushnirsky
92 Summer Street
Arlington, MA 02476

*Re: Arlington Liquors- Arlington, MA
Suspension of Tobacco and Nicotine Delivery Product Sales Permit*

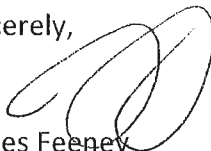
Mr. Kushnirsky:

This letter serves to document the decision rendered by the Board of Health at the hearing held on April 6, 2016 in response to a violation of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products ("Regulation") that occurred on March 16, 2016. At the hearing, the Board of Health voted unanimously to uphold a fine of one-hundred dollars (\$100.00) and impose a 7-day suspension of your Tobacco and Nicotine Delivery Product Sales Permit ("Permit") in accordance with section P 1(a) of the Regulation, which is to be served beginning Monday April 11th and continuing through the end of business on Sunday April 17th.

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suspension of all permits issued by the Board of Health for thirty (30) consecutive business days. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a final flourish.

James Feeney
Health Compliance Officer
(781) 316-3170
jfeeney@town.arlington.ma.us

cc: Christine Bongiorno, Director of Health and Human Services



Town of Arlington
Department of Health and Human Services
Office of the Board of Health

27 Maple Street
Arlington, MA 02476

COPY

Tel: (781) 316-3170
Fax: (781) 316-3175

March 17, 2016

Hand Delivered

Alexander Kushnirsky
92 Summer Street
Arlington, MA 02476

Re: *Arlington Liquors Store- Arlington, MA*
Notice of Violation
Notice of Hearing

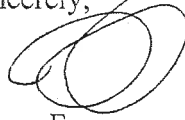
Mr. Kushnirsky:

On Wednesday March 16th, 2016, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Please be advised your establishment sold a package of 'Marlboro' cigarettes to a nineteen (19) year-old in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The violation occurred at approximately 9:14am. As this is your first sales violation after the effective date (July 1, 2013) of the aforementioned *Regulation*, you will find enclosed with this notice a \$100.00 fine.

You are also hereby ordered to attend a Board of Health Hearing on **Wednesday April 6th, 2016 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

A handwritten signature consisting of two overlapping loops, likely representing the letters 'J' and 'F'.

James Feeney

Health Compliance Officer

jfeeney@town.arlington.ma.us

(781)-316-3169

cc: Christine Bongiorno, Director of Health and Human Services



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

COPY

Tel: (781) 316-3170
Fax: (781) 316-3175

March 17, 2016

Hand Delivered
Davinder Sharma
64 Broadway
Arlington, MA 02474

*Re: Boyle's Market- Arlington, MA
Notice of Violation
Notice of Hearing*

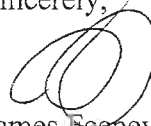
Mr. Sharma:

On Wednesday March 16th, 2016, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Please be advised your establishment sold a 'Blu' eCigarette to a nineteen (19) year-old in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The violation occurred at approximately 9:41am. As this is your first sales violation after the effective date (July 1, 2013) of the aforementioned *Regulation*, you will find enclosed with this notice a \$100.00 fine.

You are also hereby ordered to attend a Board of Health Hearing on **Wednesday April 6th, 2016 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish.

James Feeney

Health Compliance Officer

jfeeney@town.arlington.ma.us

(781)-316-3169

cc: Christine Bongiorno, Director of Health and Human Services



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

COPY

Tel: (781) 316-3170
Fax: (781) 316-3175

April 7, 2016

Hand Delivered
Davinder Sharma
64 Broadway
Arlington, MA 02474

Re: *Boyle's Market- Arlington, MA*
Suspension of Tobacco and Nicotine Delivery Product Sales Permit

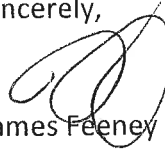
Mr. Sharma:

This letter serves to document the decision rendered by the Board of Health at the hearing held on April 6, 2016 in response to a violation of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products ("Regulation") that occurred on March 16, 2016. At the hearing, the Board of Health voted unanimously to uphold a fine of one-hundred dollars (\$100.00) and impose a 7-day suspension of your Tobacco and Nicotine Delivery Product Sales Permit ("Permit") in accordance with section P 1(a) of the Regulation, which is to be served beginning Monday April 11th and continuing through the end of business on Sunday April 17th.

A future violation of the Regulation within thirty-six (36) months of the current violation may result in a fine of two-hundred dollars (\$200.00) and a suspension of your Permit for fourteen (14) consecutive business days. Please note the failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of the Regulation, and the sale or distribution of tobacco or nicotine delivery products directly to a consumer while your Permit is suspended may result in the

suspension of all permits issued by the Board of Health for thirty (30) consecutive business days. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'James Feeney', written over the printed name.

James Feeney
Health Compliance Officer
(781) 316-3170
jfeeney@town.arlington.ma.us

cc: Christine Bongiorno, Director of Health and Human Services



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

COPY

Tel: (781) 316-3170
Fax: (781) 316-3175

March 17, 2016

Hand Delivered

Christos Rozanitis
200 Mass Ave.
Arlington, MA 02474

*Re: Christo's Fruit Market- Arlington, MA
Notice of Violation
Notice of Hearing*

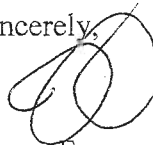
Mr. Rozanitis:

On Wednesday March 16th, 2016, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Please be advised your establishment sold a package of 'Marlboro' cigarettes to a nineteen (19) year-old in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The violation occurred at approximately 9:59am. As this is your first sales violation after the effective date (July 1, 2013) of the aforementioned *Regulation*, you will find enclosed with this notice a \$100.00 fine.

You are also hereby ordered to attend a Board of Health Hearing on **Wednesday April 6th, 2016 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Feeney', written over the word 'Sincerely,'.

James Feeney

Health Compliance Officer

jfeeney@town.arlington.ma.us

(781)-316-3169

cc: Christine Bongiorno, Director of Health and Human Services



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

COPY

Tel: (781) 316-3170
Fax: (781) 316-3175

April 7, 2016

Hand Delivered

Christos Rozanitis
200 Mass Ave.
Arlington, MA 02474

Re: *Christo's Market- Arlington, MA*
Suspension of Tobacco and Nicotine Delivery Product Sales Permit

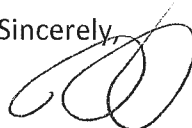
Mr. Rozanitis:

This letter serves to document the decision rendered by the Board of Health at the hearing held on April 6, 2016 in response to a violation of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products ("Regulation") that occurred on March 16, 2016. At the hearing, the Board of Health voted unanimously to uphold a fine of one-hundred dollars (\$100.00) and impose a 7-day suspension of your Tobacco and Nicotine Delivery Product Sales Permit ("Permit") in accordance with section P 1(a) of the Regulation, which is to be served beginning Monday April 11th and continuing through the end of business on Sunday April 17th.

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suspension of all permits issued by the Board of Health for thirty (30) consecutive business days. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Feeney', written over the word 'Sincerely,'.

James Feeney
Health Compliance Officer
(781) 316-3170
jfeeney@town.arlington.ma.us

cc: Christine Bongiorno, Director of Health and Human Services



Town of Arlington, Massachusetts

NEW BUSINESS



Town of Arlington, Massachusetts

EXECUTIVE SESSION



Town of Arlington, Massachusetts

Next Scheduled Meeting of BoS April 25, 2016.